

|       |                                                                                                                                         | Number              | Policy or Regulation |
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|      |                                                       | Number  | Policy or Regulation |
|------|-------------------------------------------------------|---------|----------------------|
| 2.   | Personnel                                             |         |                      |
| A.   | Permanent Personnel                                   |         |                      |
| (1)  | Recruitment and Selection.....                        | 4211    | P                    |
| (a)  | Minority Recruitment Plan.....                        | 4211.3  | P                    |
| (2)  | Appointment and Conditions of Employment.....         | 4212    | P                    |
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**NOTE: UNION CONTRACTS SUPERSEDE POLICIES**

February 8, 2022

## PERSONNEL

### CONCEPTS AND ROLES IN PERSONNEL

All parts of the school system exist for one purpose: to facilitate the educational development of the students. A dynamic and efficient staff dedicated to education is necessary to constantly improve the education program for the students. To this end, the development of the personnel policies for certified and non-certified staff is an essential component of the educational program in this school district. The philosophy of the district and the community generally will be reflected in these policies.

Through the personnel policies the Board of Education will establish a school environment that will attract and maintain highly qualified staff whose mission will be to provide the best possible learning opportunities for the students.

The long-range goals on which these policies will be based are:

1. To recruit, select, and employ the best qualified and most diverse personnel to staff the district's schools.
2. To provide staff compensation and benefit programs sufficient to attract and retain qualified employees.
3. To provide an in-service training program for all employees to improve their performance.
4. To conduct an employee evaluation program that will contribute to the continuous improvement of staff performance.
5. To assign personnel to ensure that they are used as effectively as possible.
6. To develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction.

Implementation of the adopted personnel policies should include channels of communication and procedures for handling of professional and ethical problems through which all persons or groups affected may express their suggestions, concerns, and opinions.

Legal Reference:        Connecticut General Statutes  
                                 10-220 Duties of boards of education

Policy adopted:        May 8, 2001  
Revised:                February 9, 2021

COLCHESTER PUBLIC SCHOOLS



## **Personnel – Certified/Non-Certified**

### **Affirmative Action: Recruitment and Selection**

The Board of Education will provide equal employment opportunities for all persons without regard to race, color, religious creed, age, marital status, national origin, sex, sexual orientation or physical disability. The Board of Education directs the administration to set as a goal the recruitment, selection and employment of qualified people among racial and ethnic minority groups to the end that the school district's employees will proportionately mirror the racial and ethnic composition of this community.

The Board of Education requests an annual report from the Superintendent of Schools concerning the extent to which the above-mentioned affirmative action program goals are being achieved.

No advertisement of employment opportunities may by intent or design restrict employment based upon discrimination as defined by law.

Legal Reference:      Connecticut General Statutes  
                                 10-153 Discrimination on account of marital status.  
                                 46a-60 Discrimination employment practices prohibited.  
                                 Title VII, Civil Rights Act 42 U.S.C. 2000e, et seq.  
                                 PA 91-58 An Act Concerning Discrimination on the Basis of Sexual  
                                 Orientation.  
                                 Equal Pay Act of 1963, 29 U.S.C. 206(d).

# Colchester Public Schools

~4111.2

4211.2

## PERSONNEL

### VACANCIES

All vacancies shall be posted on the district website ([www.colchesterct.org](http://www.colchesterct.org)). Until all candidates are screened, the Superintendent may utilize substitute personnel on an as-needed basis.

Legal Reference: Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited

Title VII, Civil Rights Act as amended by Title IX, Equal Employment Opportunity Act

Policy adopted: January 8, 2002

Policy revised: May 12, 2009

Policy revised: December 8, 2020

COLCHESTER PUBLIC SCHOOLS

Colchester, Connecticut

## **Personnel -- Certified/Non-Certified**

### **Minority Recruitment Plan**

The Colchester Board of Education recognizes that the increasing diversity of individuals and cultures is a growing characteristic of our state and nation which should have a significant bearing on the activities of the school district. Further, the State of Connecticut has determined that the educational interests of the state require efforts by each school district to provide educational opportunities for its students to interact with staff from other racial, ethnic and economic backgrounds in order to reduce racial, ethnic and economic isolation.

To this end, the Board of Education believes that the importance of diversity of individuals and cultures should be recognized in the recruitment of personnel in order to help promote an intellectually and culturally dynamic environment that enables all students to gain an increased awareness and appreciation of the diverse world in which all are connected.

Consistent with the Board's policies on Affirmative Action (4111.1) and Nondiscrimination (4118.11), and its rigorous standards for the hiring of all staff, our plan for minority staff recruitment shall require an effort to attract talented minority educators and other minority personnel to serve in available positions within the District.

Legal Reference:        Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of contract.

10-153 Discrimination on account of marital status.

10-220 Duties of Boards of Education. (as amended by PA 98-252)

10-226h Programs and methods to reduce racial, ethnic and economic isolation. (as amended by P.A. 11-179)

46a-60 Discriminatory employment practices prohibited.

## PERSONNEL

### APPOINTMENT AND CONDITIONS OF EMPLOYMENT

All certified personnel shall be appointed to their positions by the Board of Education in accordance with Connecticut General Statutes 10-151.

Legal Reference:

Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of or failure to renew contract.

10-153 Discrimination on account of marital status

46a-60 Discriminatory employment practices prohibited

Title VII, Civil Rights Act as amended by Title IX, Equal Employment Opportunity Act

Policy adopted: May 8, 2001

Revised: November 10, 2020

COLCHESTER PUBLIC SCHOOLS

Colchester, Connecticut

## **Personnel-Certified and Classified**

### **Health Examination**

All employees are encouraged to keep themselves healthy so that they will be able to perform their duties effectively.

The Superintendent may require an independent medical examination of any employee by a physician selected by the Board, under the following conditions, subject to the limitations set forth, if any, in the applicable bargaining unit agreement:

- a) whenever the Superintendent has grounds to believe that the performance of the employee is adversely affected by illness of any kind;
- b) whenever the Superintendent has grounds to believe that the health/safety of students or other employees may be at risk due to the illness of an employee;
- c) whenever the Superintendent has grounds to believe the employee may have abused sick leave or other leave policies;
- d) as a condition of approval for a medically-related leave of absence such as sick leave, maternity leave, FMLA, or worker's compensation leave;
- e) as a condition of approval for continuation or extension of such leave;
- f) as a condition of approval for return to duty from such leave.

## BLOODBORNE PATHOGENS POLICY

The Colchester Board of Education is committed to promoting a safe and healthful work environment for its staff. In pursuit of this goal and in accordance with the United States Department of Labor, Occupational Safety and Health Administration (OSHA) regulations dealing with "Safe Workplace" standards relating to exposure to Bloodborne Pathogens, the following will be the procedures of the Colchester Board of Education for at risk personnel.

The Colchester Board of Education shall establish a written exposure control plan in accordance with the federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with Bloodborne pathogens. Pursuant to these procedures, the school will take reasonably necessary actions to protect its employees from infectious disease and in particular H.I.V. and H.B.V. infection.

The school will provide the training and protective equipment to those persons who are at risk by virtue of their job performance and may come in contact with infectious disease. Furthermore, all Colchester Board of Education personnel defined by the Occupational Safety and Health Administration and the school who may come in contact with blood and body fluids will be offered the vaccine for the Hepatitis B Virus which is a life threatening Bloodborne pathogen. The vaccination will be done at no cost to the personnel and is provided as a precaution for personnel safety.

### Legal References:

29 C.F.R. § 1910.1030 OSHA Bloodborne pathogens standards

ADOPTED: January 9, 2018

3660580v2

## EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS ADMINISTRATIVE REGULATIONS

### I. Definitions

- A. **Contaminated Sharps:** any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.
- B. **Engineering Controls:** controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.
- C. **Work Practice Controls:** controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

### II. Exposure Determination

- A. Category I: Those personnel who come in direct contact with blood and body fluids for which precautions must be taken
  - School Nurses and Health Office Paraprofessionals
  - Principals, Assistant Principals
  - School Custodians
  - Science Teachers
  - Special Education Teachers, Special Education Paraprofessionals
  - Physical Education Teachers
  - Athletic Coaches, Assistant Coaches
  - Technical/Career Education Teachers
  - Music Teachers
  - Drama Teachers
  - Art Teachers
  - Cafeteria Employees

Other employees who are trained and administer First Aid, not listed in Category I, may request Hepatitis B Vaccine Series. The building Principal, or Superintendent, after a substantiated, written request, will make the determination.

Certain designated teachers or employees who are required to administer emergency First Aid to read:

1. School Nurses and Health Office Paraprofessionals may come in contact with bodily fluids when assisting with First Aid of school personnel or students.

2. Principals, Assistant Principals may come in contact with bodily fluids when breaking up fights, or assisting with First Aid of school personnel or students.
3. School Custodians may come in contact with bodily fluids when cleaning.
4. Science Teachers may perform First Aid on injured students.
5. Special Education Teachers, Special Education Paraprofessionals may come in contact with bodily fluids in their interaction with special education students.
6. Physical Education teachers may perform First Aid on injured students.
7. Athletic Coaches, Assistant Coaches may perform First Aid on injured students.
8. Technical/Career Education Teachers may perform First Aid on injured students.
9. Music Teachers may come in contact with bodily fluids in cleaning instruments.
10. Drama Teachers may perform First Aid on injured students.
11. Art Teachers may perform First Aid on injured students.
12. Cafeteria Employees may perform First Aid on other injured Cafeteria Employees.

- B. Category II: Personnel who participate activities without blood exposure but exposure may occur in an emergency

### III. Methods of Compliance

- A. Avoid direct contact with blood, bodily fluids or other potentially infectious materials - use gloves.
- B. Contaminated needles and other contaminated sharps shall not be bent, recapped or removed. Shearing or breaking of contaminated needles is prohibited.
- C. Contaminated reusable sharps shall be placed in containers that are puncture resistant, leakproof, color-coded or labeled in accordance with Section X of this plan and shall not require employees to reach by hand into the container.
- D. Protective gloves will be worn if you have any open wounds on your hands. If there is any doubt in your mind regarding some contact with blood or bodily fluids - use gloves.
- E. Wash hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.
- F. If you become contaminated, wash that area immediately with a strong antiseptic soap or solution.
- G. If clothing becomes contaminated with blood or body fluids, it should be placed in a bag labeled in accordance with Section X of this plan and placed in a contaminated clothing container for proper cleaning and/or discarding.

- H. Any areas of the school that may become contaminated will be washed with a strong solution of bleach and water or other appropriate disinfectant; rubber gloves, sanitary suit, face and eye protection, and long handled scrub utensils should be used.
- I. All locker rooms, restrooms, and nurses' offices will be cleaned daily using disinfectant. Custodial staff members are required to wear rubber gloves and use long- handled scrubbing utensils during these cleaning procedures at these locations.
- J. When a spill occurs, the building administrator or his/her designee will limit access to areas of potential exposure and notify the staff and students. The janitorial staff will be notified to immediately clean the area.
- K. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering and generation of droplets of these substances.
- L. Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.
- M. Specimens of blood or other potentially infectious materials shall be placed in a container labeled in accordance with Section X of this plan, which prevents leakage during collection, handling, processing, storage, transport, or shipping.

IV. Preventative Measures

- A. The Superintendent or his/her designee shall use engineering and work practice controls to eliminate or minimize employee exposure, and shall regularly examine and update controls to ensure their effectiveness.

V. Hepatitis B Vaccination

- A. The hepatitis B vaccination series shall be made available at no cost to all Category I employees. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, or antibody testing has revealed that the employee is immune, or vaccination is contraindicated by medical reasons.
- B. Employees who decline to accept the vaccination shall sign the hepatitis B vaccination declination statement.

VI. Training for Exposure Control

- A. Each year, all at risk personnel will be supplied with written materials relating to precautions, risks, and actions to take if contaminated by blood or other body fluids containing the following:
- (1) An accessible copy of the regulatory text of the OSHA standards regarding bloodborne pathogens and an explanation of its contents;
  - (2) A general explanation of the epidemiology and symptoms of bloodborne diseases;
  - (3) An explanation of the modes of transmission of bloodborne pathogens;
  - (4) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;
  - (5) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;
  - (6) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;
  - (7) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;
  - (8) An explanation of the basis for selection of personal protective equipment;
  - (9) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;
  - (10) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;
  - (11) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;
  - (12) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;
  - (13) An explanation of the signs and labels and/or color coding; and
  - (14) An opportunity for interactive questions and answers with the person conducting the training session.

VII. Reporting Incidents

- A. All exposure incidents shall be reported as soon as possible to **School Nurse Supervisor**.
- B. All at risk personnel who come in contact with blood and body fluids in the performance of their duties will take steps to safeguard their health.

VIII. Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or his/her designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation and follow-up. He or she shall at a minimum:

- A. Document the route(s) of exposure and the circumstances under which the exposure incident occurred;
- B. Identify and document the source individual, unless that identification is infeasible or prohibited by law;
- C. Provide for the collection and testing of the employee's blood for HBV and HIV serological status;
- D. Provide for post-exposure prophylaxis, when medically indicated as recommended by the U.S. Public Health service;
- E. Counseling and Evaluation of reported illnesses;
- F. The Superintendent or designee shall provide the health care professional with a copy of the OSHA regulation; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the school relevant to the appropriate treatment of the employee, including vaccination status; and
- G. The school shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation.

IX. Records

- A. Upon an employee's initial employment and at least annually thereafter, the Superintendent or his/her designee shall inform employees with occupational exposure of the existence, location and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records.
- B. Medical records for each employee with occupational exposure shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law.
- C. Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place and manner, no later than 15 days after the request is made.

D. Records shall be maintained as follows:

1. Medical records shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
4. Exposure records shall be maintained for 30 years.
5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

X. Labels

- A. Warning labels shall be affixed to containers used to store, transport or ship blood or other potentially infectious material.
- B. Labels shall include the following:



**BIOHAZARD**

- C. The labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color.
- D. Labels shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.
- E. Labels required for contaminated equipment shall be in accordance with this paragraph and shall also state which portions of the equipment remain contaminated.

Legal References:

29 C.F.R. § 1910.1030 OSHA Bloodborne pathogens standards

ADOPTED: January 9, 2018

3660580v2

## HEPATITIS B VACCINATION DECLINATION STATEMENT (MANDATORY)

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring the hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

EMPLOYEE SIGNATURE

By: \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_



# Colchester Public Schools

## Hepatitis B Vaccine

The Colchester Board of Education offers the Hepatitis B Vaccine series free of charge to all employees who qualify based on "The Colchester School System Bloodborne Pathogen Exposure Control Plan". If you are in one of the following employee categories you are encouraged to receive the Hepatitis B series. If you do not wish to receive the vaccination or have already been vaccinated please indicate so on the enclosed form.

The following employees are under the Exposure Control Plan:

- School Administrators
- Special Education Teachers
- Special Education Paraprofessionals
- Physical Education Teachers
- Athletic Coaches & Assistant Coaches
- Technical/Career Education Teachers
- Music Teachers
- Drama Teachers
- Art Teachers
- Cafeteria Employees
- Nurses
- Health Office Paraprofessionals
- Custodians
- Science Teachers

If you do not come under any of the above categories but you feel you are at risk of exposure to Hepatitis B at work, please write a letter to the Superintendent explaining your individual situation. The Superintendent will then decide if you are eligible to receive the vaccination from the Board of Education.

The Hepatitis B vaccination is a three shot series, which you only need to receive once in your life. Please read the enclosed information and complete the forms. If you have received the vaccination at another place of employment or from your physician, please obtain written documentation of the date on the form provided.

We have partnered with Physician One Urgent Care located at 179 Linwood Avenue in Colchester to administer the vaccination series if you choose to have it done. Please contact them at 860-603-2614 to set up an appointment and bring the form that is included in this informational packet with you.

# Hepatitis B Consent Form

The Hepatitis B vaccine is prepared from recombinant yeast culture and is free of association with human blood or blood products.

If I am allergic to yeast or thimersol, I should NOT receive this vaccine.

If I have a serious, active infection, I should NOT receive this vaccine.

If I am pregnant, or trying to get pregnant, or breast-feeding, I must obtain authorization from my personal physician before receiving this vaccine.

If I have taken a drug or undergone treatment that lowers the body's resistance to infection, I should NOT take this vaccine without further evaluation.

If I have immune deficiency, I should NOT take this vaccine without further evaluation.

If I have heart or lung problems, I should NOT take this vaccine without further evaluation.

If I have a bleeding disorder that prevents me from receiving an intramuscular injection, I should NOT receive this vaccine without further evaluation.

I have been informed regarding Hepatitis B and Hepatitis B vaccine.

I have been notified of my susceptibility to Hepatitis B and have been made aware of the consequences to myself, other co-workers, and family, as well as the fact that my employer strongly urges me to obtain a Hepatitis B vaccination. I have had a chance to ask questions which were answered to my satisfaction.

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Printed Name

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Employee Signature

---

Date

# Hepatitis B Administration Record

Employee Name \_\_\_\_\_

Job Title \_\_\_\_\_

School \_\_\_\_\_

|          | Date Administered | Lot # | Expiration Date | Site  |
|----------|-------------------|-------|-----------------|-------|
| Hep B #1 | _____             | _____ | _____           | _____ |
| Hep B #2 | _____             | _____ | _____           | _____ |
| Hep B #3 | _____             | _____ | _____           | _____ |

Vaccine Administrator:

#1 \_\_\_\_\_

#2 \_\_\_\_\_

#3 \_\_\_\_\_

Vaccine administered by:

\_\_\_\_ Physician One Urgent Care

\_\_\_\_ Family Physician

\_\_\_\_ Other



# Colchester Public Schools

## Mandatory Declination Statement

for

## Hepatitis B Vaccination

I, \_\_\_\_\_ understand that due to my

Printed Name

occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to myself. However, I decline Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

\_\_\_\_\_

Employee Signature

\_\_\_\_\_

Date



(Patient Must Present Photo ID at Time of Service)

## Authorization for Examination or Treatment

Patient Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Employer: Colchester Board of Education Date of Birth: \_\_\_\_\_

Street Address: 127 Norwich Ave., Suite 202  
Colchester, CT 06415 Location Number: \_\_\_\_\_

Temporary Staffing Agency: \_\_\_\_\_

### Work Related

☐ Injury ☐ Illness

Date of Injury \_\_\_\_\_

### Substance Abuse Testing★ (check all that apply)

☐ Regulated drug screen ☐ Breath alcohol

☐ Collection only ☐ Hair collect

☐ Non-regulated drug screen ☐ Rapid drug screen

☐ Other \_\_\_\_\_

### Type of Substance Abuse Testing

☐ Preplacement ☐ Reasonable cause

☐ Post-accident ☐ Random

☐ Follow-up

Special instructions/comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Authorized by: \_\_\_\_\_

Please print

Phone: (\_\_\_\_\_) \_\_\_\_\_

### Physical Examination

☐ Preplacement ☐ Baseline ☐ Annual ☐ Exit

### DOT Physical Examination

☐ Preplacement ☐ Recertification

### Special Examination

☐ Asbestos ☐ Respirator ☐ Audiogram

☐ Human Performance Evaluation★

☐ HAZMAT ☐ Medical Surveillance

☒ Other ~~Hepatitis B Vaccine Series only~~

### Billing (check if applicable)

☐ Employee to pay charges

★ Due to the nature of these specific services, only the patient and staff are allowed in the testing/treatment area. Please alert your employee so that they can make arrangements for children or others that might otherwise be accompanying them to the medical center.

Title: \_\_\_\_\_

Date

Concentra now offers urgent care services for non-work related illness and injury. We accept many insurance plans.

(Copies of this form are available at [www.concentra.com](http://www.concentra.com))

## EMPLOYMENT CHECKS POLICY

### Security Check/Fingerprinting

In order to create a safe and orderly environment for students, all offers of employment will be conditional upon the successful outcome of a criminal record check. In addition, any person applying for employment with the Board shall submit to a record check of the Department of Children and Families (DCF) Child Abuse and Neglect Registry before the person may be hired.

**Note:** Applicants for all positions, certified or non-certified must submit to a check of Department of Children and Families Child Abuse and Neglect Registry.

Applicants, as required, shall make disclosures containing (1) current and past employers' contact information; (2) authorization allowing contact with such employers; and (3) statements about any past misconduct, discipline, or licensure penalties as a result of sexual misconduct or abuse allegations.

The District, prior to hiring such applicants, will (1) ensure that they complete the above stated three requirements; (2) review applicants' employment history after making a documented, good faith effort to contact previous employers for information; and (3) request any available information about applicants from SDE.

The background/reference checks shall be done in compliance with current statutory guidelines.

District employees shall, within 30 days after they are hired, submit to state and national criminal checks. District students employed by the school system are exempted from this requirement.

Workers placed in a school under a public assistance employment program shall also submit to the criminal check if such individuals will have direct contact with students.

School nurses and nurse practitioners appointed by the Board or under contract with the Board shall also submit to a criminal history check pursuant to C.G.S. 29-17a.

Student teachers placed in District schools as part of completing preparation requirements for the issuance of an educator certificate shall also be required to undergo the same criminal background checks and DCF child abuse and neglect registry check already required for school employees.

A District student, employed by the District or a person employed by the Board as a teacher for a non-credit adult class or adult education activity (as defined in C.G.S. 10-67) who is not required to hold a teaching certificate, pursuant to C.G.S. 10-145b, as amended by PA 18-51, is exempt from the fingerprinting requirement.

## **Criminal Justice Information**

Criminal Justice Information (CJI) is to be maintained in accordance with the administrative regulation pertaining to the use and disclosure of criminal justice information.

(cf. 4112.51/4212.51 - Employment/Reference Checks)

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA 04-181 and June 19 Special Session, PA 09-1, PA 11-93, PA 16-67, PA 18-51 and PA 19-91)

29-17a Criminal history checks. Procedure. Fees.

PA 16-67 An Act Concerning the Disclosure of Certain Education Personnel Records

Criminal Justice Information Services (CJIS) Security Policy, Version 5.4, U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, October 6, 2015.

POLICY ADOPTED: APRIL 10, 2007  
POLICY REVISED: JANUARY 12, 2010  
POLICY REVISED: SEPTEMBER 4, 2018  
POLICY REVISED: NOVEMBER 9, 2021 (Replaces Temporary COVID-19 policy 4000.1T Employment Checks)

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## EMPLOYMENT CHECKS - ADMINISTRATIVE REGULATIONS

### Security Check/Fingerprinting

Each person hired by the school system shall be required to submit to state and national criminal record checks. In order to process such record checks, the following procedure will be followed:

1. No later than ten calendar days after the Superintendent or his/her designee has notified job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the Regional Service Center. This packet shall also contain all documents and materials necessary for the Regional Service Center to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks.
2. No later than ten calendar days after the Superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.
4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check.
5. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including, but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.
6. Each applicant for a position involving direct student contact is required to make three disclosures to the Board for a position involving direct student contact. The applicant must:

- a. Provide the District with contact information for current and former employers if they were education employers or the employment otherwise involved contact with children. The contact information must include each employer's name, address, and telephone number.
  - b. Provide a written authorization that consents to and authorizes such former employers to disclose information and related records about him or her that is requested on the SDE-designed standardized form that interviewing education employers send. The authorization also must consent to and authorize SDE to disclose information and related records to requesting education employers and release such former employers and SDE from any liability that may arise from such disclosure or release.
  - c. Give a written statement about whether he or she:
    - i. was the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency, or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated;
    - ii. was disciplined or asked to resign from a job or resigned from or otherwise separated from any job while an allegation of abuse or neglect was pending or under investigation by the Department of Children and Families (DCF), or an allegation of sexual misconduct was pending or under investigation or because of an allegation substantiated by DCF of abuse or neglect or sexual misconduct or a conviction for abuse or neglect or sexual misconduct; or
    - iii. had a professional or occupational license or certificate suspended or revoked or ever surrendered one while an allegation of abuse or neglect was pending or under investigation by DCF, or an investigation of sexual misconduct was pending or under investigation, or because of an allegation substantiated by DCF of abuse or sexual misconduct or a conviction for abuse or sexual misconduct.
    - iv. has, at the time of application, any criminal charges pending to state the charges and the court in which such charges are pending.
7. The District is prohibited from offering employment for any position involving direct student contact until the following has occurred:
- a. the applicant has complied with the above disclosure requirements;
  - b. the District has reviewed, either through written or telephone communication, the applicant's employment history on the standardized form filled out by current and past employers, which current or former employers must complete and return within five business days of receipt; and
  - c. the District has requested information from SDE about the applicant's eligibility status for a position requiring a certificate, authorization, or permit; previous disciplinary action for a substantiated finding of abuse or neglect or sexual misconduct; and notice of a criminal conviction or pending criminal charges against the applicant.

8. A good faith effort to reach an applicant's current and previous employers shall be made. A "good faith effort" is one requiring no more than three phone calls on three separate days.
9. The District may request additional information from an applicant's current or former employers relating to any response the applicant listed on the standardized SDE form, to which the applicant must respond within five business days of receipt. Immunity is provided from criminal and civil liability to any employer who provides such information, as well as to SDE, as long as the information supplied is not knowingly false.
10. The information available to the Board from SDE about an applicant may include:
  - a. any information about the applicant's eligibility for employment with such education employer in a position that requires a certificate, authorization, or permit;
  - b. whether SDE knows if the applicant was disciplined for a finding of abuse or neglect or sexual misconduct, and any information related to the finding; and
  - c. whether SDE has been notified that the applicant has been convicted of a crime or of pending criminal charges against the applicant and any information about such charges.
11. Applicants for substitute teaching positions must also fulfill the disclosure requirements as listed above. The District will also request information from the applicant's prior employers and SDE (in the same manner required for other applicants).
12. Adult education teachers and substitute teachers, if they are continuously employed by the district, do not have to be refingerprinted after fulfilling the initial requirement.
13. The District shall maintain a list of individuals suitable to work as substitute teachers. Only those on the list may be hired as substitute teachers. An individual remains on the list as long as (1) he or she is continuously employed by the District as a substitute teacher and (2) District does not have any knowledge that would cause the person to be removed from the list.
14. School nurses and nurse practitioners appointed by the Board or under contract with the Board shall also submit to a criminal history check pursuant to C.G.S. 29-17a.
15. Student teachers placed in District schools as part of completing preparation requirements for the issuance of an educator certificate shall also submit to a criminal history check. The criminal history check shall be done prior to being placed in a school for clinical experiences such as field experiences, student teaching or internship. Candidates are required to be fingerprinted at one of the RESCs and not through local police stations or the school district. The District is required to notify the State Board of Education if notice is received that a student teacher has been convicted of a crime. Student teachers must also submit to a records check of the Department of Children and Families Child Abuse and Neglect Registry.
16. Each applicant for a certified position must submit to a records check of the Department of Children and Families (DCF) Child Abuse and Neglect Registry established pursuant to C.G.S. 17a-101k before the applicant may be hired. The Superintendent or his/her designee shall request the required records check of DCF in accordance with the procedures established by DCF.

17. Each applicant for a non-certified position must submit to a records check of the Department of Children and Families (DCF) Child Abuse and Neglect Registry established pursuant to C.G.S. 17a-101k before the applicant may be hired. The Superintendent or his/her designee shall request the required records check of DCF in accordance with the procedures established by DCF.
18. Contractors that apply for positions involving direct student contact are required to perform the checks on their employees who would fill such positions. These checks are similar to the ones the District must perform on applicants.
  - a. A contractor's employee must fulfill the three disclosure requirements that a regular, direct applicant for such a position must fulfill.
  - b. The contractor must contact any current or former employers that were education employers and request, by telephone or in writing, any information about whether there was a finding of abuse or neglect or sexual misconduct against the employee, and which the employer must report if there is one.
  - c. Should the contractor receive any information indicating such a finding or otherwise has knowledge of one, he or she must immediately forward, either by telephone or in writing, the information to the District.
  - d. The District must determine whether the employee may work in a position involving direct student contact at any of its schools.
  - e. It is not considered a breach of contract for the District to determine that the contractor's employee is forbidden to work under any such contract in such a position.
19. The District shall notify SDE when it receives information that applicants or employees have been disciplined for a finding of abuse or sexual misconduct.
20. The District is required to provide upon request, to any other education employer or to the Commissioner of Education, information it may have about a finding of abuse or sexual misconduct for someone being vetted for hire as a direct employee of the Board or a contractor's employee.
21. The Board is prohibited from entering into any collective bargaining agreement, employment contract, resignation or termination agreement, severance agreement, or any other agreement or take any action that results in any of the following outcomes:
  - a. has the effect of suppressing information about an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;
  - b. affects the education employer's ability to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or
  - c. requires the district to expunge information about an allegation or finding of suspected abuse or neglect or sexual misconduct from any documents it maintains, unless after investigation the allegation is dismissed or found to be false.
22. The District may employ or contract with an applicant for up to 90 days while awaiting the complete review of their application information, as long as the following has occurred:
  - a. the applicant has submitted to the District the three required disclosures,

- b. the District has no information about the applicant that would disqualify him or her from employment, and
  - c. the applicant affirms that he or she is not disqualified from employment with the education employer.
23. Applicants who knowingly provide false information or knowingly fail to disclose information that is statutorily required to the District is subject to discipline by the District. Such discipline may include denial of employment or termination of a certified employee's contract.

A District student, employed by the District or a person employed by the Board as a teacher for a non-credit adult class or adult education activity (as defined in C.G.S. 10-67) who is not required to hold a teaching certificate, pursuant to C.G.S. 10-145b, as amended by PA 18-51, is exempt from the fingerprinting requirement.

### **Criminal Justice Information\***

Policies #4112.5P and #4112.51P and applicable law require applicants for employment in the District to submit to state and national criminal record checks. All results for such background checks and accompanying information is considered "Criminal Justice Information (CJI)." Such information is to be maintained, used and disclosed in compliance with this administrative regulation. These regulations apply to all CJI that the District possesses or controls in any form or format, including CJI contained in correspondence, documentation or reports of the District.

### **Definitions**

**Criminal Justice Information (CJI)** means the results of any state or federal criminal record checks of an applicant for employment in the district, volunteer, employee, or contractor and all copies thereof.

**Criminal Justice Information Officer (CJI Officer)** means the individual appointed by the Superintendent to be responsible for the use, disclosure, and safeguarding of CJI in the District. This individual serves as the District's primary point of contact for CJI matters and these regulations.

**Permitted Individual** means an individual designated by the Superintendent, or his/her designee, who may access CJI. Such individuals may include, but are not limited to, human resources personnel, and certain administrative staff.

### **Request and Use of Criminal Justice Information**

An employee, contractor, applicant, volunteer, will be asked by the District for CJI as permitted or required by applicable policy and/or law.

The Superintendent or his/her designee shall designate those individuals who will be considered "Permitted Individuals" for purposes of these regulations. CJI may not be accessed by any other member of the District staff or be used for any reason without obtaining prior written approval from the CJI Officer. CJI used by the "Permitted Individual" is limited to that permitted or required by law or District policy.

"Permitted Individuals" must satisfy applicable legal screening requirements prior to access to CJI, including the following:

1. Permitted Individuals who are Connecticut residents shall be screened by the District through a Connecticut and national fingerprint-based record check after designations as a Permitted Individual.
2. Permitted Individuals who are not Connecticut residents shall be subject to a District state and national fingerprint-based record check and follow FBI guidance pertaining to additional screening requirements.

The Connecticut Department of Emergency Services and Public Protection may be consulted by the CJI Officer pertaining to the execution of the above cited screening requirements.

A Permitted Individual's access to CJI may be terminated with or without cause at the discretion of the Superintendent, CJI Officer, or their respective designees. Upon termination of the Permitted Individual's employment in or contract with the District, such individual's access to CJI is to be immediately terminated. Reassignment or modification of a Permitted Individual's professional responsibilities is considered cause to reconsider CJI access.

### **Maintenance and Safeguarding of Criminal Justice Information (CJI)**

The District will designate the locations, files and information systems where CJI is to be maintained. These controlled areas, locked when unattended, are limited to Permitted Individuals and other authorized personnel. If not possible to reasonably restrict access, all CJI is to be maintained in encrypted format in a manner consistent with legal requirements and industry standards.

The written approval of the CJI Officer is required in order to remove CJI from a controlled area. The CJI Officer must develop a protocol to ensure the protection of CJI while being transported and while out of the controlled area.

CJI that is maintained in paper format must be kept in a physically secure location, with a posted notice of restricted access to such records. An access log or sign-in sheet is to be used to record access to paper records.

The Criminal Justice Information Services (CJIS) Security Policy contains safeguards for CJI records maintained in electronic format which the District shall comply. These safeguards include, but are not limited to, maintaining CJI on secure electronic systems and media; positioning information systems in a manner to prevent unauthorized individuals access and viewing CJI; storing electronic media containing CJI in a secure location; instituting access controls to limit access to Permitted Individuals; validating and authenticating information system users accessing CJI; developing protocols for configuration management and providing necessary access for system modifications and maintenance; providing the capability to detect and protect against threats to the integrity of CJI; developing parameters for auditing electronic systems containing CJI; and instituting media protection policies and procedures.

### **Disclosure of CJI by Permitted Individuals**

CJI may be disclosed by Permitted Individuals to (1) District staff upon written approval of the Superintendent, CJI Officer or their respective designees when such disclosure is viewed as reasonably necessary for the performance of District function or policy or consistent with applicable law; (2) third-party individuals/entities when such disclosure has been approved by the Superintendent or CJI Officer or their

respective designees, when consistent with applicable law; or as otherwise required or permitted by law. All such disclosures shall be logged.

### **Security Incident Response**

“Security Incident” is the actual or suspected acquisition, access, use, or disclosure of CJI in a manner not permitted by these regulations or applicable law. A Security Incident must be reported immediately to the CJI Officer, who will investigate, collect relevant evidence and respond to all such incidents.

The CJI Officer is to document each security incident including the District’s response, steps taken to mitigate harm to the affected individuals and changes, as necessary to District policies and procedures to avoid a reoccurrence of such incidents.

Security incidents are to be reported in writing to the District, regarding an individual’s CJI that may have been accessed, acquired or disclosed during the Security Incident. Affected individuals and/or appropriate government agencies will be notified by the District as required by law or as the District determines appropriate.

### **Record Retention, Disposal and Destruction of CJI**

CJI shall be maintained by the District in conformity with applicable record retention laws. Records containing CJI shall be stored for extended periods only if they are key elements for the integrity and/or utility of case files and/or criminal record files. Any audit records and transaction logs are to be maintained for one year. All records containing CJI are to be destroyed when the District is no longer required to keep CJI on file.

CJI containing paper records shall be disposed of as to make them unreadable and unable to be reconstructed, by shredding or incineration of such records. Electronic media containing CJI shall be destroyed utilizing a method that renders the CJI unreadable, indecipherable or unable to be reconstructed. Media destruction is to be done only by authorized personnel and witnessed and the method used documented.

### **Training**

District staff with access to CJI shall initially be trained in the use, disclosure and safeguarding of such information and no less than biennially after the initial training.

(cf. 4112.51/4212.51 - Employment/Reference Checks)

Legal Reference:            Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA 04-181, June 19 Special Session, PA 09-1, PA 11-93, PA 16-67, PA 18-51, and PA 19-91)

17a-101k Registry of findings of abuse or neglect of children maintained by Commissioner of Children and Families. Notice of finding of abuse or neglect of child. Appeal of finding. Hearing

procedure. Appeal after hearing. Confidentiality. Regulations.

29-17a Criminal history checks. Procedure. Fees.

PA 16-67 An Act Concerning the Disclosure of Certain Education Personnel Records.

PA 16-83 An Act Concerning Fair Chance Employment

Criminal Justice Information Services (CJIS) Security Policy, Version 5.4, U.S. Department of Justice,  
Federal Bureau of Investigation, Criminal Justice Information Services Division, October 6, 2015.

\*This section of the administrative regulation pertaining to Criminal Justice Information (CJI) is based upon information originally developed by the law firm of Shipman and Goodwin.

REGULATION ADOPTED: November 9, 2021

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## PERSONNEL

### ORIENTATION

Orientation shall be considered a year-long process for certified employees new to the school system, with the programs conducted jointly by the central administration and individual schools.

The program shall assist new teachers in becoming acquainted with, and adjusted to, the community, school district, and school -- including policies of the Board, rules and regulations, and the instructional program.

Administrators, coordinators, directors, and experienced staff members may be assigned specific roles in carrying out orientation programs.

The cooperation and active involvement of all staff members in helping newcomers become adjusted in the district is requested by the Board.

Policy adopted: May 8, 2001  
Revised: November 10, 2020

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## **PERSONNEL**

### **NEPOTISM**

It is the policy of the Board of Education that individuals shall not be appointed to any full-time, part-time or temporary position which would create a supervisor/employee relationship within any one department between two individuals who are related by blood, marriage, civil union, or law.

As used in this policy, the word “Department” shall mean and include those levels of organization under the Superintendent’s office into which the various structural areas of operation of the school district are divided.

In the event of marriage or civil union between employees of the District, creating a relationship which violates this policy, one of the persons affected must transfer to a location compatible with policy provisions, or in cases of refusal to transfer, be terminated from that location by the end of the school/fiscal year or within six months from the date the relationship was established, whichever is the greater period.

The degrees of relationship included in the above restrictions are as follows:

By Blood: Parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin.

By Marriage: Husband, wife, stepparent, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, half-sister, half-brother, uncle, aunt, nephew, niece.

By Law: Guardianship relationships, adoptive parent/child relationships, partner in a civil union, same-sex marriage.

In the appointment and selection of new employees, the District shall adhere to this policy. All current supervisor/employee relationships established prior to the adoption of this policy will not be affected by this policy so long as they remain in present assignments.

A Board member shall not vote and shall recuse themselves on any action of the Board which will directly affect a member of the immediate family of the member.

Legal Reference: Connecticut General Statutes

7-479 Conflicts of Interest

46b-38nn Equality of benefits, protections and responsibilities (civil unions)

46b-38oo applicability of statutes to civil unions and parties to a civil union.

*United States v. Windsor*, U.S. 133 S. Ct. 2675 (2013)

Policy adopted: September 11, 2001

Policy revised: June 8, 2004

Policy Revised: January 12, 2021

COLCHESTER PUBLIC SCHOOLS

Colchester, Connecticut

**4113.4P**

## **PERSONNEL**

### **JOB SHARING**

The Board of Education approves in principle the concept of job-sharing in certified positions in this school system.

The Board of Education recognizes that maximum benefits from job-sharing will require care in detailed arrangements to be made by the administration with the cooperation of staff members.

Among the elements of job-sharing to be considered by the administration in setting up needed arrangements will be:

- how the responsibilities of the shared position will be divided;
- how the hours associated with the position will be divided;
- how the salary and fringe benefits will be split; and
- whether or not the sharing of the position places an undue burden on the district.

The Board wishes frequent reports on the operation of the job-sharing plan during the months of its operation as a guide to its continuance.

Legal Reference: Connecticut General Statutes

P.A. 84-14 An Act Concerning the Distribution of Information on Job Sharing for State Employees and Teachers

Policy adopted: May 8, 2001

Revised: December 8, 2020

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## EVALUATION - CERTIFIED

Because it is universally accepted that good teaching is the most important element in a sound educational program, teacher appraisal must be done.

Appraisal of teaching service should serve three purposes:

1. To raise the quality of instruction and educational services to the children of our community.
2. To raise the standards of the teaching profession as a whole.
3. To aid the individual teacher to grow professionally.

Evaluation of teacher performance must be a cooperative, continuing process designed to improve the quality of instruction. The Superintendent shall evaluate or cause to be evaluated all certified employees. The teacher shares with those who work with the teacher the responsibility for developing effective evaluation procedures and instruments and for the development and maintenance of professional standards and attitudes regarding the evaluation process.

The Superintendent and all employees whose administrative and supervisory duties equal at least 50% of their time shall include a minimum of fifteen hours of training in the evaluation of teachers pursuant to Section 10-151b, as part of the required professional development activity during each five-year period for reissuance of their professional educator certificate.

The Board of Education directs the Superintendent and the teachers' representatives to develop, in harmony with guidelines developed by the State Board of Education, a system-wide program for evaluating the instructional process and all certified personnel as one means to insure quality of instruction.

(cf. - 4131 Staff Development)

Legal Reference: Connecticut General Statutes

10-151b Evaluation by superintendent of certain educational personnel.  
Public Act 95-58 An Act Concerning, Teacher Evaluations, Tenure and  
Dismissal

POLICY ADOPTED: May 8, 2001  
REVISED: March 9, 2021

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## PERSONNEL - CERTIFIED

### ATHLETIC COACHES

It is the policy of the Colchester Board of Education that an athletic coach employed by the Board shall:

1. adhere to all Board of Education, state and Connecticut Interscholastic Athletic Conference (CIAC) Board policies, rules and regulations;
2. conduct himself or herself in a professional manner;
3. serve as a role model for students; and
4. demonstrate competence and proficiency in his or her role as an athletic coach of a particular sport defined in the job description.

For purposes of this policy, the term “athletic coach” means any person holding a coaching permit who is hired by a local or regional board of education to act as a coach for a sport season. This term “coach” under this policy shall include all coaches who have direct responsibility for one or more teams including head coaches, assistant coaches and volunteer coaches who serve as coach to a team (*e.g.*, JV).

#### I. Evaluations

Pursuant to state law, there shall be an annual evaluation of all athletic coaches, to be conducted by the coach’s immediate supervisor. Each coach shall receive a written copy of the evaluation.

The purposes of evaluation are:

1. To provide a systematic process whereby coaches may increase the effectiveness of their services to the athletic program utilizing the available professional resources.
2. To provide an opportunity for coaches to analyze their strengths and weaknesses, and to discuss objectively the contributions they have made to the athletic program.

3. To provide an opportunity to analyze the strengths and weaknesses of individual coaches, and to utilize this knowledge to develop supervisory service to assist individuals in developing their competence.
4. To provide an effective means by which administrators may make recommendations concerning the continued employment of personnel, and/or other recommendations to the Board of Education.

It is the responsibility of all administrators, coaches and other professional staff members to recognize that the district schools intend to seek and maintain the best qualified staff to provide quality coaching for student athletes. In keeping with this goal, all coaching personnel are expected to participate fully in the appraisal process.

An integral part of this process is self-appraisal. The self and administrative appraisals include: knowledge of sports area, coaching skills and techniques, attitudes, behavior patterns, values and ethics.

## **II. Employment of an Athletic Coach**

It is the responsibility of school administrators and athletic directors to recognize that the Colchester Board of Education athletic coaches serve at the discretion of the Superintendent, and their employment in their specific coaching positions (*e.g.*, basketball, golf) may be non-renewed or terminated at any time except as follows.

If the athletic coach has served in the same coaching position for *three or more consecutive school years*, the following procedures shall apply. The Superintendent may non-renew the employment of any such athletic coach by providing written notification of that action within ninety (90) calendar days of the end of the season. The Superintendent may terminate the employment of any such athletic coach at any time for 1) for reasons of moral misconduct, insubordination, failure to comply with the Board's CIAC policies, rules and regulations; or 2) because the sport has been canceled. If a decision to terminate a coach's employment is made during the athletic season, the Superintendent shall remove the coach from duty during the pendency of any hearing conducted pursuant to this policy.

Any coach that has held the same coaching position for three or more years, for which the Board terminates or non-renews the contract shall be informed of the Board's decision within ninety (90) days of the completion of the sport season covered by the contract. The coach may request a written statement from the Board specifying the reason(s) for the Board's action. The statement shall be provided within thirty (30) days of the request. The decision to terminate or non-renew the coach's contract may be appealed by the coach in a manner prescribed by the Board.

The Superintendent of Schools may terminate the contract of any coach at any time for reasons of moral misconduct, insubordination or a violation of the rules of the Board or because a sport has been cancelled by the Board.

### **III. Hearing Procedures**

An athletic coach who has served in the same coaching position for *three or more consecutive years* may appeal any such non-renewal or termination decision (except if such decision was due to cancellation of the sport) to the Board of Education in accordance with the following procedures:

- A. The athletic coach must file a written appeal with the Board within ten (10) calendar days of the Superintendent's written notification of non-renewal or termination. Such appeal shall set forth the basis on which the athletic coach seeks review of that decision, and a copy of said appeal shall be sent to the Superintendent. Failure to submit a timely written appeal shall constitute a waiver of said appeal opportunity.
- B. Within a reasonable period of time of its receipt of a written appeal of the Superintendent's decision, the Board or a committee of the Board as designated by the Chairperson shall conduct a hearing to consider such appeal. Reasonable notice of the time and place for such hearing shall be issued to the athletic coach prior to the commencement of the hearing.
- C. At the hearing, the athletic coach shall have an opportunity to present facts and evidence in support of renewal and/or reinstatement, and the Superintendent shall have the opportunity (but shall not be obligated) to present facts and evidence in support of the decision of non-renewal and/or termination. For good cause shown, the athletic coach may call a limited number of witnesses to testify if there is a clear need for witnesses to present factual information (rather than simply expressing an opinion on the skill or competence of the athletic coach). In any event, cumulative or redundant testimony shall not be allowed.
- D. The decision of non-renewal or termination shall be affirmed unless the Board determines that the decision is arbitrary and capricious. The coach shall bear the burden of proof on this point.
- E. Within a reasonable period of time following the hearing, the Board shall determine whether the Superintendent acted in an arbitrary and capricious manner in making his/her decision not to renew and/or to terminate, and shall provide a written decision to the coach. The decision of the Board shall be final.

Legal Reference: Connecticut General Statutes

10-149 Qualifications for coaches of intramural and interscholastic athletic coaches (as amended by P.A. 13-41)

10-151b Evaluation by superintendent of certain educational personnel

10-220a In-service training

10-222e Policy on evaluation and termination of athletic coaches (as amended by P.A. 13-41)

P.A. 13-41 An Act Concerning Hiring Standards for Athletic Directors

P.A. 02-243 An Act Concerning Notification in Cases of Termination of Coaches

Policy adopted: April 13, 2011

Policy revised: May 11, 2021

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## PROBATIONARY/TENURE STATUS

Probationary periods, tenure appointments, and dismissal procedures will be in accordance with requirements of current statutes.

(cf. 4117.4 - Non-Renewal/Suspension)

Legal Reference: Connecticut General Statutes  
10-151 Employment of teachers. Notice and hearing on  
determination of or failure to renew contract. Appeal.

462-60 Discriminatory employment practices prohibited.

Policy adopted: May 8, 2001  
Revised: November 10, 2020

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

# Colchester Public Schools

**4117.1P**

## **PERSONNEL**

### **RETIREMENT**

Any certified employee may retire under provisions of any State Teacher Retirement System provided for teachers in the public schools of the state at the option of the employee.

Legal Reference: Connecticut General Statutes  
10-183f (a) Normal retirement

10-183f (b) Pro-ratable retirement

10-183f (c) Early retirement

10-183f (d) Deferred vested retirement

10-183aa Disability retirement

Public Law 95-256 - Age Discrimination in Employment Act

Policy adopted: May 8, 2001

Revised: November 10, 2020

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## PERSONNEL - CERTIFIED/NON-CERTIFIED

### RETURN TO WORK PROGRAM

It is the policy of the Colchester Board of Education to facilitate the return to work of employees on Workers' Compensation Leave in accordance with applicable law.

The District will maintain ongoing communication with the employee, medical provider(s), and the Worker's Compensation insurance carrier throughout the duration of the employee's leave. The Superintendent or his/her designee will regularly request medical updates on the return to work status of any employee on Workers' Compensation leave.

When the employee's medical provider has indicated the employee is able to return to work, the Board/District will require a medical assessment with the following components:

1. Assessment of employee's ability to perform essential functions of his/her job (physically and mentally)
2. Availability of a position for the employee to return to work
3. Availability of temporary light duty work in the employee's position, if necessary or requested (the Board is not required to provide light duty assignments but may do so if the work is available)

The District may also request an independent second medical opinion as to the employee's fitness for duty and return to work, and/or a formal hearing regarding an employee's status.

On a case-by-case basis, it may be necessary to evaluate the need for the provision of a "reasonable accommodation" for an employee if it is determined the employee has a covered disability under the Americans with Disabilities Act. Reasonable accommodations, without undue hardship to the Board/District, may include, but not be limited to:

1. Extending his/her leave, either paid or unpaid
2. Restructuring a job
3. Reassignment to another vacant position
4. Part-time or modified work schedule

The District will make every reasonable effort to hold the position for the employee on Workers' Compensation Leave in concert with a projected return to work date provided by the treating physician with a specified prognosis for return. However, the District will not be required to hold a position indefinitely.

Policy Adopted: April 7, 2009  
Policy Revised: May 11, 2021

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## SUSPENSION/ADMINISTRATIVE LEAVE POLICY

The Board authorizes the Superintendent to suspend any employee without pay, consistent with the provision of law and applicable collective bargaining agreements. The Superintendent may also place any employee on administrative leave with pay, if in the opinion of the Superintendent continuation of the employee in the position presents any safety concern or concern of disruption to the students, staff, property, or reputation of the district. Prior to placing any employee on administrative leave with pay, the Superintendent shall conduct an initial investigation that provides for appropriate consideration of an affected employee's due process rights.

Legal Reference: Connecticut General Statutes  
10-151(c) Employment of teachers.  
*Shanbrom v. Orange Board of Education*, 2 Conn. L. Rpts. 396, 398 (1990)  
10-151 Employment of teachers. Definitions. Notice and hearing on failure to renew or termination of contract. Appeal.  
PA 95-58 An Act Concerning Teacher Evaluations, Tenure and Dismissal  
PA 97-247 An Act concerning Revision to the Education Statutes  
*Shanbrom v. Orange Board of Education*, 2 Conn. L. Rpts. 396, 398 (1990)

POLICY ADOPTED: April 13, 2010  
REVISION: June 14, 2016 (**replaces 4117.4/4217.4**)

## NON-DISCRIMINATION POLICY (PERSONNEL)

The Board of Education will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, ancestry, disability (including pregnancy), genetic information, veteran status or gender identity or expression, except in the case of a bona fide occupational qualification.

It is the policy of the Board of Education that any form of discrimination or harassment on the basis of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability (including pregnancy), genetic information, veteran status or gender identity or expression, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the Board of Education to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), veteran status or gender identity or expression.

For the purposes of this policy, "genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

For the purposes of this policy, "veteran" means any person honorably discharged from, released under honorable conditions from active service in, or released with an other than honorable discharge based on a qualifying condition from the United States Army, Navy, Marine Corps, Coast Guard, Air Force, and Space Force, and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (B) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (C) a determination that

sexual orientation, gender identity, or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

For the purposes of this policy, “race” is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

For the purposes of this policy, “gender identity or expression” means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Any employee wishing to file a complaint regarding discrimination or harassment may obtain a copy of the Board’s complaint procedures and complaint form which are included in the Board’s Administrative Regulations Regarding Non-Discrimination/Personnel. These regulations accompany Board Policy #4118.11P and are available online at [www.colchesterct.org](http://www.colchesterct.org) or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, gender identity, sexual orientation, or disability, such complaints will be handled under other appropriate policies Series 4000 #4118.11 Sex Discrimination & Sexual Harassment in the Workplace; Series 4000 #4118.14 Employees & Section 504 of the Rehabilitation Act of 1973 & Title II of the Americans with Disabilities Act of 1990.

Any employee also may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109- 3921  
(617) 289-0111  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Employees may also file a complaint regarding employment discrimination with the Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office  
John F. Kennedy Federal Building  
475 Government Center, Boston, MA 02203

(800-669-4000)

Employees may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(800-477-5737)

Anyone who has questions or concerns about this policy, or would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination, may contact:

Director of Pupil Services and Special Education  
380 Norwich Avenue, Colchester, CT 06415, 860.537.3103

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the Board's Title IX Coordinator:

Director of Pupil Services and Special Education  
380 Norwich Avenue, Colchester, CT 06415, 860.537.3103

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of disability may contact the Board's Section 504/ADA Coordinator:

Director of Pupil Services and Special Education  
380 Norwich Avenue, Colchester, CT 06415, 860.537.3103

#### Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.  
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.  
Age Discrimination in Employment Act, 29 U.S.C. § 621  
Americans with Disabilities Act, 42 U.S.C. § 12101  
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794  
Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.  
Connecticut General Statutes § 10-153. Discrimination on basis of marital status  
Connecticut Fair Employment Practices Act, CT General Statutes § 46a-60  
Connecticut General Statutes § 46a-81a Discrimination on basis of sexual orientation: Definitions  
Connecticut General Statutes § 46a-81c Sexual orientation discrimination: Employment.

Public Act 17-127, An Act Concerning Discriminatory Practices Against Veterans,  
Leaves of Absence for National Guard Members, Application for Certain Medicaid  
Programs, and Disclosure of Certain Records to Federal Military Law  
Enforcement.

ADOPTED: June 13, 2017  
REVISION: August 14, 2018  
REVISION: June 21, 2021  
REVISION: November 9, 2021

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## **DISCRIMINATION COMPLAINTS - ADMINISTRATIVE REGULATIONS (PERSONNEL)**

It is the policy of the Colchester Board of Education that any form of discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), genetic information, veteran status or gender identity or expression is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is the express policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, marital status, sexual orientation, national origin, ancestry, disability (including pregnancy), genetic information, veteran status or gender identity or expression.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies Series 4000 #4118.11 Sex Discrimination & Sexual Harassment in the Workplace; Series 4000 #4118.14 Employees & Section 504 of the Rehabilitation Act of 1973 & Title II of the Americans with Disabilities Act of 1990.

Preferably, complaints should be filed within thirty (30) calendar days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The district will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of harassment or discrimination on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), genetic information, gender identity or expression, or veteran status. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The school district will periodically provide staff development for district administrators and periodically distribute this Policy and implementing Administrative Regulations to staff and students in an effort to maintain an environment free of harassment and discrimination.

### Complaint Procedure

As soon as an individual feels that he or she has been subjected to discrimination or

harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), genetic information, gender identity or expression, or veteran status he/she should make a written complaint to the Superintendent, or his/her designee. The individual and any respondent (if applicable) will be provided a copy of the Board's policy and regulation and made aware of his/her rights.

The complaint should state the:

- A. Name of the complainant,
- B. Date of the complaint,
- C. Date(s) of the alleged harassment/discrimination,
- D. Name(s) of the harasser(s) or discriminator(s),
- E. Location where such harassment/discrimination occurred,
- F. Names of any witness(es) to the harassment/discrimination,
- G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
- H. Proposed remedy.

Any individual who makes an oral complaint of harassment or discrimination will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If an individual is unable to make a written complaint, the staff member receiving the oral complaint will either reduce the complaint to writing or assist the individual with completing the written complaint form.

All complaints received by staff members are to be forwarded immediately to the Superintendent or his/her designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent or his/her designee shall promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator ("respondent") and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, as determined by the investigator.

Upon receipt of a written complaint of discrimination, the investigator should:

1. offer to meet with the complainant and respondent (if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on

the availability of necessary witnesses and/or participants during periods of time when school is not in session) to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;

2. provide the complainant and respondent (if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
4. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;
5. maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be extended by fifteen (15) business days during periods of time when school is in session or reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) from the date the complaint was received by the Superintendent's office. The complainant and respondent (if any) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
7. if a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);
8. whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the harassment or discrimination. Corrective action should include steps to avoid continuing discrimination;
9. if either party to the complaint is not satisfied with the findings and conclusions of the investigation, the complainant may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the party requesting an appeal, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with a

designated investigator (if applicable), complainant, and respondent (if any) and meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the proposed actions within fifteen (15) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) following the receipt of the written request for review.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies Series 4000 #4118.11 Sex Discrimination & Sexual Harassment in the Workplace; Series 4000 #4118.14 Employees & Section 504 of the Rehabilitation Act of 1973 & Title II of the Americans with Disabilities Act of 1990.

Any employee also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109- 3921  
(617) 289-0111  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Employees may also file a complaint regarding employment discrimination with the Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800-669-4000)

Employees may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(800-477-5737)

Anyone who has questions or concerns about these regulations may contact:

**Director of Pupil Services and Special Education**  
**215 Halls Hill Road, Colchester, CT 06415, 860.537.3103**

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the Board's Title IX Coordinator:

**Director of Pupil Services and Special Education  
215 Halls Hill Road, Colchester, CT 06415, 860.537.3103**

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the Board's Section 504/ADA Coordinator:

**Director of Pupil Services and Special Education  
215 Halls Hill Road, Colchester, CT 06415, 860.537.3103**

ADOPTED: June 13, 2017  
REVISION: August 14, 2018

238833v19

## DISCRIMINATION COMPLAINT FORM

**(For complaints based on race, color, religion, age, sex, marital status, sexual orientation, national origin, ancestry, disability (including pregnancy), genetic information, veteran status or gender identity or expression)**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the discrimination/harassment \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged discrimination or harassment \_\_\_\_\_

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Proposed remedy: \_\_\_\_\_

\_\_\_\_\_

10/2017

## SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE (PERSONNEL) POLICY

It is the policy of the Colchester Board of Education (the “Board”) for the Colchester Public Schools (the “District”) that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex.

The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”), Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law not to discriminate in such a manner. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of all parties. Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively. Third parties who engage in conduct prohibited by this Policy shall be subject to other sanctions, which may include exclusion from Board property and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

For conduct to violate Title IX, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of Title VII, Connecticut law, and/or another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX, Title VII, and Connecticut law (the “Administrative Regulations”).

**Sex discrimination** occurs when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual’s sex. Sex discrimination also occurs when a person, because of the person’s sex, is denied

participation in or the benefits of any education program or activity receiving federal financial assistance.

**Sexual harassment under Title IX** means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (*i.e., quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

**Sexual harassment under Title VII and Connecticut law** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

### **Reporting Sex Discrimination or Sexual Harassment**

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner.

Violations of this Policy by employees will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Colchester Public Schools administration (the “Administration”) shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include, but need not be limited to, the definition of sex discrimination and sexual harassment, the scope of the Board’s education program and activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board’s website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, Title VII, and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to employees, union representatives, students, parents and legal guardians and make the Policy and the Administrative Regulations available on the Board’s website to promote an environment free of sex discrimination and sexual harassment.

The Board’s Title IX Coordinator is the Director of Pupil Services and Special Education. Any individual may make a report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Director of Pupil Services and Special Education  
380 Norwich Avenue, Colchester, CT 06415, 860.537.3103

Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. Board employees may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: 617-289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

#### Legal References:

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).

Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.

Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Conn. Gen. Stat. § 46a-54 - Commission powers Connecticut

Conn. Gen. Stat. § 46a-60 - Discriminatory employment practices prohibited.

Conn. Gen. Stat. § 46a-81c - Sexual orientation discrimination:  
Employment

Conn. Gen. Stat. § 10-153 - Discrimination on the basis of sex, gender identity or expression or marital status prohibited

Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207

ADOPTED: December 13, 2016

REVISED: November 9, 2021

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

**COMPLAINT FORM REGARDING SEX DISCRIMINATION  
AND SEXUAL HARASSMENT (PERSONNEL)**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the discrimination/harassment \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged discrimination or  
Harassment \_\_\_\_\_

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## SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE (PERSONNEL) REGULATION

### Colchester Board of Education Sex Discrimination and Sexual Harassment Complaint Procedure

#### Complaint Procedure

It is the express policy of the Board of Education to encourage victims of sexual discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints. Any employee who feels that he/she has been sexually harassed or otherwise discriminated against on the basis of sex should submit any such complaint to the Title IX Coordinator. If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so.

Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible and reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination or sexual harassment will result in disciplinary action against the retaliator.

The school district will provide staff development for new district administrators and will publish its policy and grievance procedures to staff and employees in an effort to maintain an environment free of sex discrimination and sexual harassment.

Any employee who believes that he or she has been discriminated against or sexually harassed in the workplace in violation of this policy may also file a complaint with the Eastern Region Office of the Connecticut Commission on Human Rights and Opportunities, 100 Broadway, Norwich, CT 06360, PHONE: (860) 886-5703, FAX: (860) 886-2550, TDD: (860) 886-5707, and/or the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER 800-669-4000). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged discrimination/harassment occurred. Remedies for sex discrimination and sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

### Title IX Coordinator

The Title IX Coordinator for the Colchester Board of Education is the Director of Pupil Services and Special Education, whose office is located at 215 Halls Hill Road, Colchester and whose telephone number is 860-537-3103.

ADOPTED: December 13, 2016

REVISED: May 13, 2019

238835v10

**[To be posted in a conspicuous place readily available for viewing by employees]**

**SEXUAL HARASSMENT IS ILLEGAL  
AND IS PROHIBITED  
BY**

**THE CONNECTICUT DISCRIMINATORY EMPLOYMENT PRACTICES ACT  
(Section 46a-60 of the Connecticut General Statutes)  
AND  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964  
(42 United States Code Section 2000e et seq.)**

SEXUAL HARASSMENT MEANS ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:

1. SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;
2. SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR
3. SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT.

**Examples of SEXUAL HARASSMENT include:**

UNWELCOME SEXUAL ADVANCES  
SUGGESTIVE OR LEWD REMARKS  
UNWANTED HUGS, TOUCHES, KISSES  
REQUESTS FOR SEXUAL FAVORS  
DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS.

**Remedies for sexual harassment may include:**

CEASE AND DESIST ORDERS  
BACK PAY  
COMPENSATORY DAMAGES  
HIRING, PROMOTION, OR REINSTATEMENT

RETALIATION AGAINST ANY EMPLOYEE FOR COMPLAINING ABOUT SEXUAL HARASSMENT IS PROHIBITED UNDER THIS POLICY AND ILLEGAL.

VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINE, INCLUDING DISCHARGE.

INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.

AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO THE DIRECTOR OF SPECIAL EDUCATION AND PUPIL SERVICES (TITLE IX COORDINATOR), OR THE SUPERINTENDENT IF THE TITLE IX COORDINATOR IS THE SUBJECT OF THE COMPLAINT. CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.

ANY EMPLOYEE WHO BELIEVES THAT HE OR SHE HAS BEEN HARASSED OR DISCRIMINATED AGAINST IN THE WORKPLACE IN VIOLATION OF THIS POLICY MAY ALSO CONTACT:

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
EASTERN REGION OFFICE  
100 BROADWAY, NORWICH, CT 06360  
PHONE (860) 886-5703

AND/ OR:

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
BOSTON AREA OFFICE  
JOHN F. KENNEDY FEDERAL BUILDING  
475 GOVERNMENT CENTER  
BOSTON, MA 02203  
PHONE (800) 669-4000

CONNECTICUT LAW REQUIRES THAT A FORMAL WRITTEN COMPLAINT BE FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES WITHIN ONE HUNDRED AND EIGHTY (180) DAYS OF THE DATE WHEN THE ALLEGED HARASSMENT/ DISCRIMINATION OCCURRED.

5/13/2019

## NONDISCRIMINATION ON THE BASIS OF DISABILITIES

The Board of Education prohibits discrimination against any individual with a disability with regard to recruitment, advertisement and job application procedures; hiring, upgrading, promotion, awarding of tenure, demotion, transfer, layoff, termination, right of return from layoff, employee compensation, job assignments, job classifications, organizational structures, position descriptions, lines of progression and seniority lists, leaves of absence, sick leave or other leaves, fringe benefits or job training.

Federal law defines a person with a disability as one who (1) has a mental or physical impairment which substantially limits one or more major life activities such as, but not limited to, caring for one's self; performing manual tasks walking, seeing, hearing, eating, sleeping, standing, sitting, reaching, lifting, bending, reading, writing, concentrating, thinking, communicating, interacting with others, speaking, breathing, learning or working; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. The Board will afford qualified disabled individuals reasonable accommodations. The Supreme Court of the United States has recognized that individuals with a communicable disease may be considered disabled.

The Board of Education recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents and members of the public who participate in school-sponsored programs. No discrimination against any person with a disability will be knowingly permitted in any of the programs and practices in the school system.

With regard to its employees, the Board specifically prohibits discrimination against any individual with a qualified disability with regard to recruitment, hiring, promotion or advancement, compensation, evaluation, training, or any other aspect of employment within the school system. The Board will afford qualified disabled individuals reasonable accommodations in accordance with state and federal law.

Disabled employees who can no longer perform essential job functions are encouraged to advise their supervisors or administrators of the nature of their disability and which functions cannot be performed. The Board will consider any reasonable suggestions of accommodation that would enable performance of those functions so long as the accommodation will not impose an undue hardship on the operation of the school system. The term "disability" shall be broadly construed. The determination of whether an individual has a disability should not demand extensive analysis.

A person is not qualified to perform his/her duties if his/her medical condition or disability poses a threat to health or safety of individuals in the workplace.

Persons, including employees of the district, that feel they may have been discriminated against on the basis of a disability should contact the Director of Pupil Personnel Services.

Employees seeking accommodations for a disability in order to perform essential job functions are encouraged to contact their supervisors or administrators and/or the Director of Pupil Personnel Services. Employees who are interested in requesting or discussing reasonable accommodations for a disability should contact:

**Director of Pupil Services and Special Education**  
**380 Norwich Avenue, Colchester, CT 06415, 860-537-3103**

(cf. 0521 - Nondiscrimination)

(cf. 4112.4/4212.4 - Health Examinations)

Legal Reference:      Connecticut General Statutes  
                                 10-209 Records not to be public.  
                                 19-581 AIDS testing and medical information.  
                                 46a-60 Discriminatory employment practices prohibited.  
                                 Federal Law  
                                 Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20  
                                 U.S.C. 706(7)(b).  
                                 American Disability Act of 1989, 42 U.S.C. 12101 et. seq., as amended by  
                                 the ADA Amendments Act of 2008  
                                 29 CFR, Part 1630, Regulations to Implement the Equal Employment  
                                 Provisions of the Americans with Disabilities Act, as amended, published  
                                 in the Federal Register, Vo. 76, No. 58, 3/25/11  
                                 *Chalk v. The United States District Court of Central California.*  
                                 Amendments of Americans with Disabilities Act, Title II and Title III,  
                                 Regulation to Implement ADA Amendments Act of 2008. Federal Register,  
                                 Vol. 81, No. 155 (28 CFR Parts 35 & 36)

Policy Adopted:      April 8, 2008  
Policy Revised:      May 14, 2013  
Policy Revised:      June 9, 2015  
Policy Revised:      October 13, 2016 (**Replaces #4218.14**)  
Policy Revised:      May 11, 2021  
                                 (Reinstates policy #4118.14; formerly EMPLOYEES AND SECTION 504 OF  
                                 THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH  
                                 DISABILITIES ACT OF 1990 - POLICY)

## EMPLOYEES AND SECTION 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990 - ADMINISTRATIVE REGULATIONS

### Colchester Board of Education Section 504/ADA Grievance/Complaint

#### Procedures Regarding Discrimination Against Employees

Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act of 1990 ("Title II" or "ADA") (collectively, "Section 504/ADA") prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, the term "disability" with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

#### I. Definitions

**Major life activities:** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

**Mitigating Measures:** include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

**Physical or Mental Impairment:** (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine or (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. Physical or

mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

## **II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability**

- A. Any eligible person, including any student, parent/guardian, staff member or other employee who feels that he/she has been discriminated against on the basis of disability may submit a written complaint to the district's designated Section 504/ADA Coordinator within thirty (30) school days of the alleged occurrence. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If the complaint is made verbally, the individual taking the complaint will reduce it to writing. Individuals wishing to make a complaint about discrimination against students on the basis of disability should be referred to the district's Section 504/ADA policies and regulations regarding students.
- B. Retaliation against any individual who complains pursuant to the Board's policy and regulations listed herein is strictly prohibited. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting or complaint of disability-based discrimination or as a result of an individual's participation or cooperating in the investigation of a complaint. The district will take necessary actions to prevent retaliation as a result of filing a complaint **or the participation in an investigation of a complaint.**
- C. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures.
- D. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.
- F. The complaint should contain the following information:
  - 1. The name of the complainant;
  - 2. The date of the complaint;
  - 3. The date(s) of the alleged discrimination;
  - 4. The names of any witnesses or individuals relevant the complaint;

5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
6. The remedy requested.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

- G. Upon receipt of the complaint, the individual investigating the complaint shall:
1. Provide a copy of the written complaint to the Superintendent of Schools;
  2. Meet with the complainant within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes have relevant information, and obtain any relevant documents the complainant may have;
  3. Provide the complainant with a copy of the applicable Board Section 504/ADA Policy and these administrative regulations;
  4. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;
  5. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;
  6. Communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the district will remedy any identified violations of Section 504/ADA;

7. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, complainant will receive notice and interim measures may be implemented as necessary (see subparagraph 6);
  8. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures to remedy the effects of the discrimination are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination.
  9. In the event the investigator concludes that there is no violation of Section 504/ADA, the district may attempt to resolve the complainant's ongoing concerns, if possible.
- H. If the complainant is not satisfied with the findings and conclusions of the investigation, the complainant may present the complaint and written outcome to the Superintendent for review and reconsideration within thirty (30) calendar days of receiving the findings. This process provides an opportunity for the complainant to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting the complaint and written outcome for review, the complainant must explain why he/she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the review.

Upon review of a written request from the complainant, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and complainant, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant of his/her decision within ten (10) school days following the receipt of the written request for review.

**III. The Section 504/ADA Coordinator for this district is:**

Director of Pupil Services and Special Education  
380 Norwich Avenue, Colchester, CT 06415  
860-537-3103

#### IV. Complaints to Federal or State Agencies

At any time, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8<sup>th</sup> Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (TELEPHONE NUMBER (617) 289-0111);

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Employees may also file a complaint regarding employment discrimination on the basis of disability with the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER 800-669-4000) or the Connecticut Commission on Human Rights and Opportunities, 25 Sigourney Street, Hartford, CT 06106 (TELEPHONE NUMBER 800-477-5737).

|           |                                                     |
|-----------|-----------------------------------------------------|
| ADOPTED:  | April 8, 2008                                       |
| REVISION: | May 14, 2013                                        |
| REVISION: | June 9, 2015                                        |
| REVISION: | October 13, 2016 <b>(Replaces #4118.14/4218.14)</b> |

4118.15P

5131.92P

1316P

## PERSONNEL

### WORKPLACE BULLYING

The purpose of this policy is to promote a healthy, positive workplace climate so that every individual is able to contribute fully to our educational community. Every person has the right to dignity at work. The rights and responsibilities described in this policy apply to all employees, parents, and all who utilize or visit District facilities.

The Board requires all of its employees to treat all other employees, as well as students, with dignity and respect. Building principals and supervisory staff need to be sensitive to signs of stress among staff. During periods of high stress, staff may be observed acting in an unprofessional manner with each other. Unprofessional behavior must be dealt with, and not ignored. Further, rudeness will not be tolerated among the staff.

#### Consequences of Bullying in the Workplace

The Board of Education (Board) does not condone bullying in the workplace. Workplace bullying is antithetical to maintaining a congenial and healthy workplace. The Board desires to provide a workplace that is free from violence, harassment, intimidation, and other disruptive behavior.

#### Definitions

**“Workplace bullying”** is defined as the deliberate, hurtful, repeated mistreatment of an employee, driven by a desire to abuse or control that individual. Some of the most common bullying behaviors include yelling, shouting, and screaming; hostile glares and other intimidating gestures; “behind-the-back” put-downs, insults, and unfair criticism; and the deliberate sabotage and undermining of another individual’s work performance.

**“Mobbing”** is a particular type of bullying behavior carried out by a group rather than by an individual. Mobbing is the bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment or emotional abuse. Although it is group behavior, specific incidents such as an insult or a practical joke may be carried out by an individual as part of mobbing behavior.

## **Examples of Bullying in the Workplace**

Inappropriate behavior includes actions that intimidate, offend, degrade or humiliate a worker, which at times can occur in the presence of co-workers, students, parents, contractors or visitors to the school or school activities. The Board believes that:

- Bullies can be supervisors, subordinates, co-workers, and colleagues;
- Bullies often operate within the established rules and policies of their organization; and
- The damage that such actions cause, both to the targeted employee and to workplace morale, is significant.

The Board believes it is necessary to maintain a congenial, healthy and supportive workplace in order to avoid institutional bullying. Institutional bullying is when bullying becomes entrenched in an organization and becomes accepted as part of the workplace culture.

## **Reporting of Workplace Bullying/Procedures**

Employees who believe they have been subjected to workplace bullying should report to the Building Principal/Superintendent of Schools in writing. The report should include details of the date, time, place and the specific conduct which occurred. The Building Principal/Superintendent or his/her designee will seek to maintain confidentiality while investigating the incident(s) but may discuss the situation with other supervisors/administrators or, if deemed necessary, with the Chairperson of the Board, via the Superintendent of Schools. The District will implement appropriate remedial measures. Disciplinary action may be taken if the severity of the workplace bullying makes that intervention appropriate. While investigating and responding to the prohibited misconduct, the Principal/Superintendent, or his/her designee, will give priority to avoiding possible retaliation or reprisals, while restoring and maintaining a congenial and healthy workplace.

At times, incidents of workplace bullying can be handled effectively in an informal manner. If an incident occurs that is offensive, it may be sufficient to explain clearly to the offender that the behavior is unacceptable. If the circumstances are too difficult or embarrassing for an individual, support may be sought from another colleague, a contact person, staff representative or an administrator. A complaint may decide, for whatever reason, to bypass the informal procedure and proceed to the filing of a written complaint.

For an individual to allege a policy violation, to call it bullying according to this policy's standard, the targeted individual must be able to demonstrate that due to the alleged bullying activity that he/she has experienced negative consequences which are affecting their ability to perform his/her job. It is the intent of this policy that such issues are

identified early by the targeted individual, a co-worker or colleague, and the issue is resolved at the earliest possible stage.

### **Related Considerations**

Bullying must not be confused with the non-abusive exercise of management rights to assign tasks, coach, and reprimand or take disciplinary actions against employees. Any administrator, supervisor or individual in a position of leadership to whom a complaint is reported (verbally or in writing) must take appropriate action according to internal procedures. Failure to comply may result in disciplinary action.

Freedom from retaliation is protected under this policy. Retaliation is a separate offense from the original claim of bullying. Protected individuals include complainants, or anyone who testifies, assists, or participates in any manner in an investigation or proceeding, internal or external, pertaining to the allegation of bullying.

Misuse of the policy is a violation of the policy itself.

This policy supplements but does not replace the District's policies pertaining to discrimination and harassment.

(cf. 0521 – Nondiscrimination)  
(cf.1316 – Conduct on School Property)  
(cf. 4118.11/4218.11 – Nondiscrimination)  
(cf. 4118.112/4218.112 – Sexual Harassment)  
(cf. 4118.13/4218.13 – Conflict of Interest)  
(cf. 4118.211 – Retaliation and Whistle-Blowing)  
(cf. 4118.24/4218.24 – Staff/Student Relations)  
(cf. 5131.911 – Bullying)

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rule(s), policies, and procedures.

10-238 Petition for hearing by board of education.

Policy Adopted: October 14, 2014

Policy Revised: May 11, 2021

(formerly 4118.15P Civility/Respectful Communications and Actions)

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## **ALCOHOL, TOBACCO AND DRUG-FREE WORKPLACE POLICY**

### **PURPOSE**

The purpose of this policy is to establish a workplace which is free of the effects of alcohol and second-hand smoke, and free from drug abuse. By accomplishing this purpose, the Board also seeks to promote a safe, healthy working environment for all employees and to reduce absenteeism, tardiness and other job performance problems which may be caused by alcohol and/or drug abuse. This policy is adopted in accordance with state law and the Drug Free Workplace Act.

### **STATEMENT OF POLICY**

Employees shall not be involved with the unlawful manufacture, distribution, possession, or use of an illegal drug, controlled substance or alcohol and shall not be under the influence of such substances while on school property or while conducting Board business on or off school property. Any employee who discovers illegal drugs or alcohol on school property shall notify the Superintendent or his/her designee who shall investigate the matter.

An employee must report any conviction under a criminal drug statute for violations occurring on or off school property while on Board business, to the Superintendent or his/her designee within five (5) days after the conviction. The Board will notify any agency awarding a grant to the Board of such conviction, within ten (10) days thereafter.

Employees shall only use prescription drugs on school property, or during the conduct of Board business, that have been prescribed by a licensed medical practitioner, and such drugs shall be used only as prescribed. However, in accordance with Conn. Gen. Stat. § 21a-408a through 408q, the Board specifically prohibits the palliative use of marijuana on school property, at a school-sponsored activity, or during the conduct of Board business, and specifically prohibits employees from being under the influence of intoxicating substances, including marijuana used for palliative purposes, during work hours.

The Board prohibits smoking, including smoking using an electronic nicotine delivery system (e.g. e-cigarettes) or vapor product, and the use of tobacco products on school property or at any school-sponsored activity. For purposes of this policy, the term “electronic nicotine delivery system” shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar,

electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, and the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not contain nicotine, that is inhaled by the user of such product. Notwithstanding the above, transdermal nicotine patches used solely as part of an organized treatment program to quit smoking shall not be considered tobacco for the purposes of this policy.

Violations of this policy may result in disciplinary action, up to and including possible termination of employment.

### **DEFINITIONS**

“School property” means any land and all temporary and permanent structures comprising the district’s elementary and secondary schools, and administrative office building and includes, but is not limited to, classrooms, hallways, storage facilities, theatres, gymnasiums, fields and parking lots.

“School-sponsored activity” means any activity sponsored, recognized or authorized by a board of education and includes activities conducted on or off school property.

### **EMPLOYEE ASSISTANCE**

In appropriate circumstances, the Board shall provide an employee with an opportunity for rehabilitation in overcoming addiction to, dependence upon or other problem with alcohol or drugs.

An employee who feels he or she has developed an addiction to, dependence upon or other problem with alcohol or drugs, is encouraged to seek assistance. Certain benefits for alcoholism or drug addiction are provided under the Board's group medical insurance plan. An employee may be given an opportunity to participate in a rehabilitation program which requires absence from work for bona fide treatment. Such absence may be charged to the employee's accrued and unused sick leave, subject to the provisions of the employee's collective bargaining agreement and/or any applicable Board policies and regulations.

Any request for assistance with a drug or alcohol problem will be treated as confidential and only those persons "needing to know" will be made aware of such request.

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 10-233a(h) (definition of school-sponsored activity)

Conn. Gen. Stat. § 21a-408a through 408q (palliative use of marijuana)

Public Act 14-76, "An Act Concerning The Governor's Recommendations Regarding Electronic Nicotine Delivery Systems And Youth Smoking Prevention"

Public Act 15-206, "An Act Regulating Electronic Nicotine Delivery Systems and Vapor Products"

United States Code:

Safe and Drug-Free Schools and Community Act, 41 U.S.C. Section 7101 et seq.

Pro-Children Act of 2001, Pub. L. 107-110, 115 Stat. 1174, 20 U.S.C. § 7183

POLICY ADOPTED: October 9, 1990  
REVISION: November 17, 1993  
REVISION: April 3, 2006  
REVISION: August 12, 2014  
REVISION: December 8, 2015 (Replaces Policies #4118.231/4218.231)

**4118.234P**

**~5141.231P**

## **PERSONNEL**

### **PRESCRIPTION DRUG USE**

The Board of Education prohibits school personnel from recommending the use of prescription drugs for any student. For the purposes of this policy, the term 'recommend' shall mean to directly or indirectly suggest that a student should use prescription drugs.

Prescription drugs are defined as doctor-prescribed medications for behavioral or social-emotional concerns, such as attention deficits, impulsivity, anxiety, depression, and thought disorders, and include but are not limited to stimulant medications and antidepressants.

School nurses, school psychologists, and/or the district's Medical Advisor may recommend to a parent/guardian that their student be evaluated by an appropriate medical practitioner.

The District shall follow procedures for identification, evaluation, placement and delivery of services to students with disabilities or suspected disabilities provided in state and federal statutes that govern special education.

Nothing in this policy shall be construed to prohibit a Planning and Placement Team from discussing with parents and/or guardians of a student the appropriateness of consultation with, or evaluation by, medical practitioners, or to prohibit school personnel from consulting with appropriate medical practitioners with the consent of the parents and/or guardians of a student.

The Superintendent of Schools shall promulgate this policy to district staff and parents/guardians of students annually and upon the registration of new students.

Legal References: Connecticut General Statutes

|         |                                                                                                             |
|---------|-------------------------------------------------------------------------------------------------------------|
| 10-212b | Policies prohibiting the recommendation of psychotropic drugs by school personnel (as amended by PA 03-211) |
| 46b-120 | Definitions                                                                                                 |
| 10-76a  | Definitions (as amended by PA 00-48)                                                                        |

- 10-76b State supervision of special education programs and services
- 10-76d Duties and powers of boards of education to provide special education programs and services (as amended by PA 97-114 and PA 00-48)
- 10-76h Special education hearing and review procedure. Mediation of disputes (as amended by PA 00-48)
- 34 C.F.R. 3000 Assistance to States for Education for Handicapped Children

State Board of Education Regulations

American with Disabilities Education Act, 42 U.S.C. § 12101 et seq.

Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.

Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794

Policy Adopted: November 19, 2001

Policy revised: December 9, 2003

Policy revised: April 10, 2007

Policy revised: January 12, 2021

COLCHESTER PUBLIC SCHOOLS

Colchester, Connecticut

## **POLICY REGARDING EMPLOYEE USE OF THE DISTRICT'S COMPUTER SYSTEMS AND ELECTRONIC COMMUNICATIONS**

Computers, computer networks, electronic devices, Internet access, and e-mail are effective and important technological resources. The Colchester Board of Education (the "Board") has installed computers and a computer network, including Internet access and an e-mail system, on Board premises and may provide other electronic devices that can access the network such as wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing, etc. (including, but not limited to, personal laptops, Smartphones, network access devices, Kindles, Nooks, cellular telephones, radios, personal cassette players, CD players, iPads or other tablet computers, walkie-talkies, Blackberries, personal data assistants, iPhones, Androids and other electronic signaling devices). The Board's computers, computer networks, electronic devices, Internet access, and e-mail are referred to collectively as "the computer systems" and are provided in order to enhance both the educational opportunities for our students and the business operations of the district.

These computer systems are business and educational tools. As such, they are made available to Board employees for business and education-related uses. The Administration shall develop regulations setting forth procedures to be used by the Administration in an effort to ensure that such computer systems are used for appropriate business and education-related purposes.

In accordance with applicable laws and the Administrative Regulations associated with this Policy, the system administrator and others managing the computer systems may access email or monitor activity on the computer system or electronic devices accessing the computer systems at any time and for any reason or no reason. Typical examples include when there is reason to suspect inappropriate conduct or there is a problem with the computer systems needing correction. Further, the system administrator and others managing the computer systems can access or monitor activity on the systems despite the use of passwords by individual users, and can bypass such passwords. In addition, review of emails, messages or information stored on the computer systems, which can be forensically retrieved, includes those messages and/or electronic data

sent, posted and/or retrieved using social networking sites, including but not limited to, Twitter, Facebook, LinkedIn and YouTube.

Incidental personal use of the computer systems may be permitted solely for the purpose of e-mail transmissions and access to the Internet on a limited, occasional basis. Such incidental personal use of the computer systems, however, is subject to all rules, including monitoring of all such use, as the Superintendent may establish through regulation. Moreover, any such incidental personal use shall not interfere in any manner with work responsibilities.

Users should not have any expectation of personal privacy in the use of the computer system or other electronic devices that access the computer system. Use of the computer system represents an employee's acknowledgment that the employee has read and understands this policy and any applicable regulations in their entirety, including the provisions regarding monitoring and review of computer activity.

Legal References:

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-250

Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

ADOPTED: April 10, 2007

REVISED: June 10, 2014

REVISED: December 8, 2015

REVISED: February 8, 2022

S&G 9/16/20

## ADMINISTRATIVE REGULATIONS REGARDING EMPLOYEE USE OF THE DISTRICT'S COMPUTER SYSTEMS AND ELECTRONIC COMMUNICATIONS

### Introduction

Computers, computer networks, electronic devices, Internet access, and electronic mail are effective and important technological resources. The Board of Education has installed computers and a computer network, including Internet access and an e-mail system, on Board premises and may provide electronic devices that can access the system, such as personal laptops, Smartphones, I-Pads or other tablet computers, I-Phones, Androids or other mobile or handheld electronic devices, to enhance the educational and business operations of the district. In these regulations, the computers, computer network, electronic devices, Internet access and e-mail system are referred to collectively as "the computer systems."

These computer systems are business and educational tools. As such, they are being made available to employees of the district for district-related educational and business purposes. *All users of the computer systems must restrict themselves to appropriate district-related educational and business purposes.* Incidental personal use of the computer systems may be permitted solely for the purpose of e-mail transmissions and similar communications, including access to the Internet on a limited, occasional basis. Such incidental personal use of the computer systems is subject to all rules, including monitoring of all such use, set out in these regulations. Moreover, any such incidental personal use shall not interfere in any manner with work responsibilities.

These computer systems are expensive to install, own and maintain. Unfortunately, these computer systems can be misused in a variety of ways, some of which are innocent and others deliberate. Therefore, in order to maximize the benefits of these technologies to the district, our employees and all our students, this regulation shall govern *all* use of these computer systems.

### Monitoring

It is important for all users of these computer systems to understand that the Board of Education, as the owner of the computer systems, reserves the right to

monitor the use of the computer systems to ensure that they are being used in accordance with these regulations. The Board of Education intends to monitor in a limited fashion, but will do so as needed to ensure that the systems are being used appropriately for district-related educational and business purposes and to maximize utilization of the systems for such business and educational purposes. The Superintendent reserves the right to eliminate personal use of the district's computer systems by any or all employees at any time.

The system administrator and others managing the computer systems may access email or monitor activity on the computer system or electronic devices accessing the computer systems at any time and for any reason or no reason. Typical examples include when there is reason to suspect inappropriate conduct or there is a problem with the computer systems needing correction. Further, the system administrator and others managing the computer systems can access or monitor activity on the systems despite the use of passwords by individual users, and can bypass such passwords. In addition, review of emails, messages or information stored on the computer systems, which can be forensically retrieved, includes those messages and/or electronic data sent, posted and/or retrieved using social networking sites, including, but not limited to, Twitter, Facebook, LinkedIn and YouTube.

Notwithstanding the above and in accordance with state law, the Board may not: (1) request or require that an employee provide the Board with a user name and password, password or any other authentication means for accessing a personal online account; (2) request or require that an employee authenticate or access a personal online account in the presence of a Board representative; or (3) require that an employee invite a supervisor employed by the Board or accept an invitation from a supervisor employed by the Board to join a group affiliated with any personal online account of the employee. However, the Board may request or require that an employee provide the Board with a user name and password, password or any other authentication means for accessing (1) any account or service provided by Board or by virtue of the employee's employment relationship with the Board or that the employee uses for the Board's business purposes, or (2) any electronic communications device supplied or paid for, in whole or in part, by the Board.

In accordance with applicable law, the Board maintains the right to require an employee to allow the Board to access his or her personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:

- (A) Conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an employee's personal online account; or
- (B) Conducting an investigation based on the receipt of specific information about

- (C) an employee's unauthorized transfer of the Board's proprietary information, confidential information or financial data to or from a personal online account operated by an employee or other source.

For purposes of these Administrative Regulations, "personal online account" means any online account that is used by an employee exclusively for personal purposes and unrelated to any business purpose of the Board, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or accessed by an employee for a business purpose of the Board.

### Why Monitor?

The computer systems are expensive for the Board to install, operate and maintain. For that reason alone it is necessary to prevent misuse of the computer systems. However, there are other equally important reasons why the Board intends to monitor the use of these computer systems, reasons that support its efforts to maintain a comfortable and pleasant work environment for all employees.

These computer systems can be used for improper, and even illegal, purposes. Experience by other operators of such computer systems has shown that they can be used for such wrongful purposes as sexual harassment, intimidation of co-workers, threatening of co-workers, breaches of confidentiality, copyright infringement and the like.

Monitoring will also allow the Board to continually reassess the utility of the computer systems, and whenever appropriate, make such changes to the computer systems as it deems fit. Thus, the Board monitoring should serve to increase the value of the system to the district on an ongoing basis.

### Privacy Issues

Employees must understand that the Board has reserved the right to conduct monitoring of these computer systems and can do so *despite* the assignment to individual employees of passwords for system security. Any password systems implemented by the district are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user.

*The system's security aspects, message delete function and personal passwords can be bypassed for monitoring purposes.*

Therefore, employees must be aware that they should not have any expectation of personal privacy in the use of these computer systems. This provision applies to any and all uses of the district's computer systems and electronic devices that access same,

including any incidental personal use permitted in accordance with these regulations.

*Use of the computer system represents an employee's acknowledgement that the employee has read and understands these regulations and any applicable policy in their entirety, including the provisions regarding monitoring and review of computer activity.*

### Prohibited Uses

Inappropriate use of district computer systems is expressly prohibited, including, but not limited to, the following:

- ◆ Sending any form of solicitation not directly related to the business of the Board of Education;
- ◆ Sending any form of slanderous, harassing, threatening, or intimidating message, at any time, to any person (such communications *may* also be a *crime*);
- ◆ Gaining or seeking to gain unauthorized access to computer systems;
- ◆ Downloading or modifying computer software of the district in violation of the district's licensure agreement(s) and/or without authorization from supervisory personnel;
- ◆ Sending any message that breaches the Board of Education's confidentiality requirements, including the confidentiality rights of students;
- ◆ Sending any copyrighted material over the system;
- ◆ Sending messages for any purpose prohibited by law;
- ◆ Transmission or receipt of inappropriate e-mail communications or accessing inappropriate information on the Internet, including vulgar, lewd or obscene words or pictures;
- ◆ Using computer systems for any purposes, or in any manner, other than those permitted under these regulations;
- ◆ Using social networking sites such as Facebook, Twitter, LinkedIn and YouTube in a manner that violates the Board's Social Networking policy; is used to engage in harassing, defamatory, obscene, abusive, discriminatory

or threatening or similarly inappropriate communications; creates a hostile work environment; breaches confidentiality obligations of school district employees; or violates the law, Board policies and/or the other school rules and regulations.

In addition, if a particular behavior or activity is generally prohibited by law and/or Board of Education policy, use of these computer systems for the purpose of carrying out such activity and/or behavior is also prohibited.

#### Electronic Communications

The Board expects that all employees will comply with all applicable Board policies and standards of professional conduct when engaging in any form of electronic communication, including texting, using the district's computer system, or through the use of any electronic device or mobile device owned, leased, or used by the Board. As with any form of communication, the Board expects district personnel to exercise caution and appropriate judgment when using electronic communications with students, colleagues and other individuals in the context of fulfilling an employee's job-related responsibilities, including when engaging in remote teaching or use of a digital teaching platform.

#### Disciplinary Action

Misuse of these computer systems will not be tolerated and will result in disciplinary action up to and including termination of employment. Because no two situations are identical, the Board reserves the right to determine the appropriate discipline for any particular set of circumstances.

#### Complaints of Problems or Misuse

Anyone who is aware of problems with or misuse of these computer systems, or has a question regarding the appropriate use of the computer systems, should report this to his or her supervisor or to a school administrator.

Most importantly, the Board urges *any* employee who receives *any* harassing, threatening, intimidating or other improper message through the computer systems to report this immediately. It is the Board's policy that no employee should be required to tolerate such treatment, regardless of the identity of the sender of the message. *Please report these events!*

#### Implementation

This regulation is effective as of 2/8/22.

Legal References:

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

S&G 9/16/20

## **Personnel-- Certified/Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Social Networking/ Social Media**

The Board will respond to the use of social media by employees, including employees' personal use of social media when such use:

1. interferes with the work of the school district;
2. is used to harass co-workers or other members of the school community;
3. creates a hostile work environment;
4. breaches confidentiality obligations of school district employees;
5. disrupts the work of the school district;
6. harms the goodwill and reputation of the school district in the community;
7. violates school rules and regulations or state and federal laws.

#### **Rules concerning personal social networking**

1. While the Board recognizes that employees are not always in control of others' posts (i.e., tagging photos), employees are required to maintain appropriate professional boundaries with students, parents/ guardians, and colleagues.
2. Employees are individually responsible for their personal posts on social media.
3. All posts on personal social media must comply with the Board of Education's policies concerning confidentiality, including the confidentiality of student information.
4. All Board of Education policies and state and federal laws that regulate off-duty conduct apply to social media activity, including policies related to public trust, illegal harassment, code of conduct, mandated reporting, and protecting confidential information.

#### **Guidelines concerning Social Media Activity sponsored by Colchester Public Schools**

If an employee uses a social media site for the purpose of instruction, communication of activities, games, or responsibilities for a school-based club, activity or official sports team, the employee must also comply with the following rules:

1. The employee must inform his/her supervisor prior to setting up the site.
2. The employee must set up the class, club, or team as a group list, which will be closed and moderated.
3. Parents/ guardians shall be permitted to access any site their child has been invited to join.
4. The employee responsible for the site will monitor it regularly.
5. Any violations of this policy shall be reported by staff to the supervisor.
6. The employee's supervisor shall be permitted access to any site established by the employee for a school-related purpose.

#### Disciplinary Consequences

Violation of this policy may lead to discipline up to and including the termination of employment consistent with state and federal law and union contracts.

## PERSONNEL - CERTIFIED

### PROFESSIONAL GROWTH AND DEVELOPMENT

The Board believes that, in order to support the high achievement of students, educators must have the time and resources to continually improve their practice. The Board also believes that educators will only reach the high levels of performance set by Colchester Public Schools if they are provided with the freedom and flexibility to act as practitioners and engage in the process of continuous improvement.

“Professional Growth and Development” is viewed by the Board of Education (Board) as a continuous systematic effort to improve educational programs in this school district through (1) educator involvement in organized program planning, implementation and evaluation efforts, and (2) activities to upgrade the skills, knowledge and ability of educators to improve student learning outcomes.

Each certified employee shall annually participate in a program of professional growth and development, of not fewer than eighteen hours in length, of which the majority of time is spent in grade level or content area teams. The professional development program shall:

1. be focused upon the continuous improvement of instruction and curriculum, and be directly responsive to the learning needs of students;
2. be embedded in the professional practice of educators and have a sustained focus and duration;
3. foster teachers’ collective efficacy to improving student learning outcomes;
4. include training in culturally responsive pedagogy and practice.
5. include, to the greatest extent possible, coaching and expert support, a content focus, the use of models and modeling, active adult learning experiences, opportunities for collaboration, feedback, and reflection.

Professional growth and development experiences, made available by the Board directly, or through a RESC, with another Board of Education or through a provider approved by the Commissioner, and shall be consistent with any goals identified by the certified employees and the Board.

The Board, in order to determine its professional development program, shall establish a professional development and evaluation committee (PDEC), consisting of certified and other instructional staff, including representatives of the exclusive bargaining representative for such employees. Committee membership shall consist of at least one representative from each of the teachers' and administrators' unions and other school personnel the Board deems appropriate. The duties of the committee shall include, but not be limited to, a) participation in the development of an educator evaluation and support program for the District, and b) the development, evaluation and annual updating of a comprehensive local professional development plan, in fulfillment of the statutes, for certified employees of the District. Such plan shall (1) be directly related to the educational goals proposed by the Board pursuant to C.G.S. 10-220(b), (2) be developed in full consideration of the priorities and needs related to student outcomes as determined by the State Board of Education, and (3) include the systematic assessment and improvement of the educator evaluation and professional development plans.

Special effort shall be made to prepare teachers and other school personnel to meet the needs of students of diverse cultural and ethnic backgrounds. Planning and implementation of such programs shall be done cooperatively by administration, teachers and parent advisory groups. Special effort shall also be given to administrators and/or supervisors in training pursuant to their obligations in the evaluation of teachers.

Professional development activities should respond directly to the educational needs of the student body. The in-service program shall fulfill all applicable statutory requirements, especially those delineated in CGS 10-220a, as amended.

The Board will allow any paraprofessional or non-certified employee of the District to participate, on a voluntary basis, in any in-service training program provided to certified staff on those topics mandated per C.G.S. 10-220a, subsection (a).

The Superintendent is to report annually to the Board of Education on the professional development program and its effect with recommendations for changes as needed.

(cf. 4115 - Evaluation)

Legal Reference:        Connecticut General Statutes  
                                 10-27 Exchange of professional personnel and students.  
                                 10-220a In-service training. (amended by PA 04-227, PA 08-160, June 19  
                                 Special Session, Public Act No. 09-1, PA 10-91, PA 12-116, PA 13-145, PA  
                                 15-215, PA 17-37 and PA 19-100)  
                                 10-153b Selection of teachers' representatives  
                                 10-226f Coordinator of intergroup relations.  
                                 10-226g Intergroup relations training for teachers.  
                                 10-145b Teaching certificates (as amended by PA 01-173)  
                                 10-148a Professional development (as amended by PA 17-37 and PA  
                                 19-100)  
                                 10-151(b) Employment of teachers. Definitions. Tenure  
                                 PA 17-32 An Act Concerning Human Trafficking  
                                 PA 17-37 An Act Implementing the Recommendations of the Task Force  
                                 on Professional Development and In-service Training Requirements for  
                                 Educators

Policy adopted:        May 22, 2012

Policy revised:        May 11, 2021

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## PROFESSIONAL GROWTH AND DEVELOPMENT: APPENDIX

### Connecticut General Statutes 10-220a - In-service Training

#### A. Required In-service Topics for Certified Personnel

1. Nature and the relationships of drugs and alcohol to health and personality development and procedures for discouraging their abuse.
2. Health and mental health risk reduction education including, but not limited to the prevention of risk-taking behavior by children and the relationship of such behavior to substance abuse, pregnancy, sexually transmitted diseases, including HIV-infection and AIDS, violence, teen dating, domestic violence and child abuse.
3. School violence prevention and conflict resolution and the prevention of and response to youth suicide and the identification and prevention of bullying and response to bullying, as defined in 10-222d, subsection (a) as amended. (Boards that implement an evidence-based model approach approved by the SDE are not required to provide in-service training on the identification and prevention of and response to prevention of bullying.)
4. Cardiopulmonary resuscitation and other emergency life-saving procedures.
5. Requirements and obligations of a mandated reporter regarding reporting of child abuse and neglect.
6. Training in the detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia.
7. Training in the awareness of human trafficking issues.
8. Culturally responsive pedagogy and practice.

#### B. Optional In-Service Topics for Certified Personnel

The State Department of Education, within available appropriates and utilizing available materials, shall make the following subject matter available to boards of education:

- Holocaust and genocide education and awareness
- African-American and black studies (required commencing July 1, 2021)
- Puerto-Rican and Latino studies (required commencing July 1, 2021)
- Native American History
- Personal Financial Management
- The historical events surrounding the Great Famine in Ireland
- Domestic violence and teen dating violence
- Mental health first aid training

- Trauma-informed practices for the school setting to enable teachers, administrators and pupil personnel to more adequately respond to students with mental, emotional or behavioral health needs
- Second language acquisition, including, but not limited to, language development and cultural responsive pedagogy

Topics approved by the State Board of Education upon the request of local or regional boards of education as part of in-service training programs pursuant to CGS 10-220a, section 3.

**NOTE:** The Board may include any of the items listed above (Section B) in its in-service training program, pursuant to CGS 10-220a.

## **Personnel -- Certified**

### **Professional Development**

#### *Connecticut General Statutes 10-220a - In-service Training*

#### **A. Required In-service Topics for Certified Personnel over a 5-year period**

1. Nature and the relationships of drugs and alcohol to health and personality development and procedures for discouraging their abuse.
2. Health and mental health risk reduction education including, but not limited to the prevention of risk-taking behavior by children and the relationship of such behavior to substance abuse, pregnancy, sexually transmitted diseases, including HIV-infection and AIDS, violence, teen dating, domestic violence, child abuse and youth suicide.
3. Growth and development of exceptional children, including handicapped and gifted and talented children, children with Attention Deficit Hyperactivity Disorder or learning disabilities who may require special education, and methods for identifying, planning and working effectively with special needs children in a regular classroom
4. School violence prevention and conflict resolution.
5. Annual training on (1) identifying, preventing, and responding to school bullying and (2) preventing and responding to youth suicide<sup>3</sup>) blood born pathogens. (Boards that implement an evidence-based model approach approved by the state are not required to provide in-service training on prevention of bullying.)
6. Annual training on cardiopulmonary resuscitation and other emergency life saving procedures for coaches and nurses.
7. Computer skills, information technology, and cyber literacy as applied to student learning and classroom instruction, communications and data management. Elementary, middle, and high school teachers must include 15 hours of training in the use of computers in the classroom every five years.
8. Teaching of the language arts, reading and reading readiness and assessment of reading performance including methods of teaching language skills necessary for teachers in grades kindergarten to three, inclusive. (15 hours every 5 years)
9. Training in the evaluation of teachers for superintendents and those employees employed in positions requiring an intermediate administrator or supervisory certificate whose duties equal at least 50% of the assigned time (15 hours every 5 years).
10. Requirements and obligations of a mandated reporter regarding reporting of child abuse and neglect.
11. Domestic Violence and teen Dating Violence.

## **Personnel -- Certified**

### **Professional Development**

*Connecticut General Statutes 10-220a - In-service Training - continued*

#### **B. Optional In-Service Topics for Certified Personnel**

- Holocaust education and awareness
- African-American History
- Puerto-Rican History
- Native American History
- Personal Financial Management
- The historical events surrounding the Great Famine in Ireland

#### **C. Continuing Education Units (CEUs)**

The Board of Education recognizes the importance of continuing educational units (CEUs) as part of teachers' professional and educational development. This is based upon the knowledge that student learning is directly affected by teacher competence and that teacher competence is enhanced by ongoing professional development and continuous learning. Teachers, like students, must be continual learners. A detailed CEU handbook will be made available to all teachers each year.

State law requires the successful completion of 9 CEUs every five years in order for a holder to maintain a professional educator certificate. A certified staff member providing documented completion of a national board certification assessment in the appropriate endorsement area during each 5 year period shall be exempt from this requirement. Only CEUs awarded by providers approved by the State Department of Education may be used to fulfill the CEU requirements.

The Board will make available annually at no cost to its certified employees no fewer than eighteen hours of professional development activities for CEUs.

The specific professional development activities to be made available will be determined with the advice and assistance of the professional development committee. All professional development for which CEUs are issued must focus on improved student learning. All learning experiences for which CEUs are awarded should enrich or improve the skills, knowledge and abilities of educators to improve student learning. Professional development, for which CEUs can be offered include workshop presentations, time spent in learning, problem solving, experimenting, interacting with colleagues, developing curriculum and writing professional journal articles. The focus for professional development activities in establishing a link between effective teaching and increased learning shall be *Connecticut's Common Core of Learning, Connecticut Framework: K-12 Curriculum Goals and Standards, Connecticut's Common Core of Teaching* and *Connecticut Guidelines for Teacher Evaluation and Professional Development*.

The Board of Education may award a CEU equivalent to any of its employees for the successful completion of professional development activities which are not necessarily offered by an approved CEU provider. Any combination of CEUs and CEU equivalents can be used toward the 9 CEU requirement every five years.

**Personnel -- Certified**

**Professional Development**

*Connecticut General Statutes 10-220a - In-service Training - continued*

Legal Reference:      Connecticut General Statutes  
                                 10-145b Teaching certificates (as amended by PA 01-173)  
                                 10-220a In-service training  
                                 PA 95-58 An Act Concerning Teacher Evaluations, Tenure, and Dismissals

## PERSONNEL - CERTIFIED

### TUTORING

The instruction of students in a teacher's class is a part of his/her regular duty. Students are entitled to a reasonable amount of time and assistance from their teacher, including before and after school as part of their regular responsibilities.

In accordance with the Connecticut Code of Professional Responsibility for Teachers (CGS 10-145d-400a), no teacher shall accept payment for privately tutoring a student currently in his/her class, nor any student whose promotion and/or educational program is directly his/her responsibility. Tutoring, as considered here, is defined as private instruction for a fee outside the school program, but does not include instrumental music lessons. This policy shall not apply to teachers employed by the school system for the purposes of mandated homebound instruction, or supporting students who are assigned to them as a part of a district-sponsored tutoring and/or summer school program.

School personnel shall avoid recommending specific tutors to parents, but rather make a referral to the school office where a list is maintained for this purpose. All teachers interested in tutoring must submit a written request to the principal to be added to this list. The office will distribute the list to parents and/or community members as requested.

School personnel who wish to utilize school facilities for private tutoring shall follow Colchester Board of Education's Facility Use Policy #1330.

Legal Reference: Connecticut General Statutes

53-392a-53-392e All related to academic crimes.

53-392b Preparation of assignments for students attending educational institutions prohibited.

10-145d-440 CT Code of Professional Responsibility for Teachers

Policy adopted: September 9, 2008

Policy revised: May 11, 2021

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## PERSONNEL - CERTIFIED/NON-CERTIFIED

### EMERGENCY/PERSONAL LEAVE

#### I. Definitions

**“Family violence”** means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault between family or household members. Verbal abuse or arguments generally will not constitute “family violence” unless there is a present danger and the likelihood that physical violence will occur.

**“Leave”** includes paid or unpaid leave which may include, but is not limited to, compensatory time, vacation time, personal days off or other time off.

#### II. Leave for Family Violence Victims

At times an employee may need to be absent from work due to family violence, and the length of time should be determined by the individual’s situation. The time period shall be determined through collaboration/cooperation/discussion with the employee.

The Board of Education shall allow family violence victims to take paid or unpaid leave (including compensatory time, vacation time, personal days, or other time off) during any calendar year in which the leave is reasonably necessary to:

1. seek medical care or psychological or other counseling for physical or psychological injury or disability,
2. obtain services from a victim services organization,
3. relocate due to the family violence, or
4. participate in any civil or criminal proceeding related to or resulting from such family violence.

Unpaid leave, for the reasons cited above, shall be limited to 12 days per calendar year. However, leave for any of the four reasons cited above, shall not be affected by any other leave provided under state or federal law.

In providing leave to family violence victims, the following guidelines are to be followed:

1. The employee seeking leave shall provide up to seven days notice to the District/Superintendent or his/her designee when the need to use leave is foreseeable and as soon as practicable when it is not.
2. The employee shall provide the District with a signed written statement certifying that the leave is for a purpose authorized under P.A. 10-144.
3. The District may request that the employee provide:
  - a. police or court record related to the family violence, or
  - b. signed written statement that the employee is a victim of family violence from the employee or an agent of a victim services organization, an attorney, an employee of the Judicial Branch's Office of Victim Services or the Office of the Victim Advocate, licensed medical professional, or other licensed professional from whom the employee has sought assistance with respect to the family violence.
4. The District/Superintendent or his/her designee shall keep any such written statement or police or court record confidential.
5. The District/Superintendent or his/her designee will not further disclose the information except as required by law or as necessary to protect the employee's safety in the workplace, but in these situations the employee must be given notice before the disclosure.
6. The District/Superintendent or his/her designee may provide, if it so chooses, more leave than required by P.A. 10-144.
7. The rights of the employee under the terms of the employee's employment or collective bargaining agreement, in effect on October 1, 2010, shall not be diminished or preempted.

In addition, in compliance with P.A. 10-144, the District is not required to provide paid leave if:

1. the employee is not entitled to paid leave pursuant to the terms and conditions of his or her employment, or
2. the paid leave exceeds the maximum amount of leave due the employee during any calendar year. However, the Act requires the employer to provide unpaid leave if paid leave is exhausted or not provided.

Legal Reference: Connecticut General Statutes

46b-15 Relief from physical abuse by family or household member or person in dating relationship. Application. Court orders. Duration. Copies. Expedited hearing for violation of order. Other remedies.

46b-38a Family violence prevention and response: Definitions

54-85b Employment protection for witnesses and victims of crime.  
Penalty. Action for damages and reinstatement.

P.A. 10-144 An Act Concerning the Recommendations of the Speaker of  
the House of Representatives' Task Force on Domestic Violence.

Policy adopted: May 22, 2012  
Policy revised: May 11, 2021

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## REPORTS OF SUSPECTED ABUSE OR NEGLECT OF ADULTS WITH AN INTELLECTUAL DISABILITY OR AUTISM SPECTRUM DISORDER

Section 46a-11b of the Connecticut General Statutes requires that certain school personnel report any suspected abuse or neglect of persons between eighteen (18) and sixty (60) years of age who: 1) have an intellectual disability or 2) receive funding or services from the Department of Social Services' ("DSS") Division of Autism Spectrum Disorder Services. In furtherance of this statute and its purpose, it is the policy of the Board of Education to require ALL EMPLOYEES of the Board of Education to comply with the following procedures in the event that, in the ordinary course of their employment or profession, they have reasonable cause to suspect that a person with an intellectual disability or an individual receiving funding or services from DSS' Division of Autism Spectrum Disorder Services between eighteen (18) and sixty (60) years of age has been abused or neglected.

### 1. Scope of Policy

This policy applies not only to employees who are required by law to report suspected abuse and/or neglect of adults with intellectual disabilities, but also to ALL EMPLOYEES of the Board of Education.

### 2. Definitions

For the purposes of this policy:

"Abuse" means the willful infliction of physical pain or injury or the willful deprivation by a caretaker of services which are necessary to the person's health or safety.

"Neglect" means a situation where a person with an intellectual disability either is living alone and is not able to provide for himself or herself the services which are necessary to maintain his or her physical and mental health, or is not receiving such necessary services from the caretaker.

"Statutory Mandated Reporter" means an individual required by Conn. Gen. Stat. Section 46a-11b to report suspected abuse and/or neglect of adults with intellectual disabilities. In the public school context, the term "statutory mandated reporter" includes teachers, school administrators, school guidance counselors, paraprofessionals, registered or licensed practical nurses, psychologists, social workers, licensed or certified substance abuse counselors, mental health professionals, physical therapists, occupational therapists, dental hygienists, speech pathologists, and licensed professional counselors.

3. Reporting Procedures for Statutory Mandated Reporters

If a statutory mandated reporter has reasonable cause to suspect or believe that any person with an intellectual disability, or any individual who receives funding or services from DSS' Division of Autism Spectrum Disorder Services, between eighteen (18) and sixty (60) years of age has been abused or neglected, the mandated reporter shall, as soon as practicable, but not later than seventy-two (72) hours after having reasonable cause to suspect abuse or neglect, make an oral report to:

Abuse Investigation Division  
Department of Developmental Services ("DDS")  
460 Capitol Avenue  
Hartford, Connecticut 06106  
Telephone: 1-844-878-8923

The statutory mandated reporter shall also immediately notify the Superintendent.

Such initial oral report shall be followed by a written report to the Abuse Investigation Division of DDS not later than five calendar days after the initial oral report was made, and a copy of any written report shall be given to the Superintendent.

4. Reporting Procedures for Non-Statutory Mandated Reporters

The following procedures apply only to employees who are not statutory mandated reporters, as set forth above.

- a) If an employee who is not a statutory mandated reporter has reasonable cause to suspect that any person with an intellectual disability, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, between eighteen (18) and sixty (60) years of age has been abused or neglected, the following steps shall be taken.
  - (1) The employee shall as soon as practicable, but not later than seventy-two (72) hours after having reasonable cause to suspect abuse or neglect, make an oral report by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.
  - (2) If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that any person with an intellectual disability, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, between eighteen (18) and sixty (60) years has been abused or neglected, the Superintendent or designee shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters, set forth above.
- b) Nothing in this policy shall be construed to preclude an employee from reporting suspected abuse and/or neglect of adults with intellectual disabilities, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, directly to the Abuse Investigation Division of DDS.

5. Contents of Report

Any oral or written report made pursuant to this policy shall contain the following information, if known:

- a) the name and address of the allegedly abused or neglected person;
- b) a statement from the reporter indicating a belief that the person is intellectually disabled or receives funding or services from the DSS'

Division of Autism Spectrum Disorder Services, together with information indicating that the person is unable to protect himself or herself from abuse or neglect;

- c) information concerning the nature and extent of the abuse or neglect; and,
- d) any additional information that the reporter believes would be helpful in investigating the report or in protecting the person with an intellectual disability or who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services.

6. Investigation of the Report

If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report, and shall, to the extent feasible, endeavor to coordinate any such investigation with the investigation conducted by the Abuse Investigation Division of DDS.

The Superintendent's investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation.

If the investigation by the Superintendent and/or the Abuse Investigation Division of DDS produces evidence that a person with an intellectual disability, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, has been abused by a school employee, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment.

7. Delegation of Authority by Superintendent

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

8. Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

9. Non-discrimination Policy

The Board of Education shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect.

Legal References:

Connecticut General Statutes:

Section 46a-11a

Section 46a-11b et seq.

ADOPTED: October 2017

REVISED: October 9, 2018

NSC

## ADMINISTRATIVE REGULATIONS REGARDING CONCUSSION MANAGEMENT AND TRAINING FOR ATHLETIC COACHES

For purposes of these administrative regulations concerning training regarding concussions and head injuries, the term “coach” means any person who holds or is issued a coaching permit by the Connecticut State Department of Education and who is hired by the Colchester Board of Education to coach intramural or interscholastic athletics.

### Mandatory Training Concerning Concussions

1. Any coach of intramural or interscholastic athletics, who holds or is issued a coaching permit, must, before commencing his/her coaching assignment for the season, complete an initial training course concerning concussions, which are a type of brain injury. This training course must be approved by the State Department of Education.
2. Coaches must provide proof of initial course completion to the Athletic Director or his/her designee prior to commencing their coaching assignments for the season in which they coach.
3. One year after receiving an initial training, and every year thereafter, coaches must review current and relevant information regarding concussions prior to commencing their coaching assignments for the season. This current and relevant information shall be that approved by the State Department of Education. Coaches need not review this information in the year they are required to take a refresher course, as discussed below.
4. Coaches must complete a refresher course concerning concussions and head injuries not later than five (5) years after receiving their initial training course, and once every five (5) years thereafter. Coaches must provide proof of refresher course completion to the Athletic Director or his/her designee prior to commencing their coaching assignments for the season in which they coach.
5. The Board shall consider a coach as having successfully completed the initial training course regarding concussions and head injuries if such coach completes a course that is offered by the governing authority for intramural and interscholastic athletics and is substantially similar, as determined by the Department of Education, to the training course required by subsection 1 of these administrative regulations, provided such substantially similar course is completed on or after January 1, 2010, but prior to the date

the State Board of Education approves the training course discussed in subsection 1 of these administrative regulations.

### Concussion Management

1. Any coach of any intramural or interscholastic athletics shall immediately remove a student athlete from participating in any intramural or interscholastic athletic activity who:
  - a. is observed to exhibit signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body;  
or
  - b. is diagnosed with a concussion, regardless of when such concussion may have occurred.
2. Upon removal from participation, a school principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, or coach shall notify the student athlete's parent or legal guardian that the student athlete has exhibited such, signs, symptoms or behaviors consistent with a concussion or has been diagnosed with a concussion. Such principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, or coach shall provide such notification not later than twenty-four (24) hours after such removal and shall make a reasonable effort to provide such notification immediately after such removal.
3. The coach shall not permit such student athlete to participate in any supervised team activities involving physical exertion, including, but not limited to, practices, games or competitions, until such student athlete receives written clearance to participate in such supervised team activities involving physical exertion from a licensed health care professional trained in the evaluation and management of concussions.
4. Following receipt of clearance, the coach shall not permit such student athlete to participate in any full, unrestricted supervised team activities without limitations on contact or physical exertion, including, but not limited to, practices, games or competitions, until such student athlete:
  - a. no longer exhibits signs, symptoms or behaviors consistent with a concussion at rest or with exertion; and
  - b. receives written clearance to participate in such full, unrestricted supervised team activities from a licensed health care professional trained in the evaluation and management of concussions.
5. The Board shall prohibit a student athlete from participating in any intramural or interscholastic athletic activity unless the student athlete, and a parent or guardian of

such athlete receives training regarding the concussion education plan developed or approved by the State Board of Education by:

- a. reading written materials;
  - b. viewing online training videos; or
  - c. attending in-person training regarding the concussion education plan developed or approved by the State Board of Education.
6. The Board shall annually provide each participating student athlete's parent or legal guardian with a copy of an informed consent form approved by the State Board of Education and obtain the parent or guardian's signature, attesting to the fact that such parent or guardian has received a copy of such form and authorizes the student athlete to participate in the athletic activity.

#### Reporting Requirements

1. The school principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, or coach who informs a student athlete's parent or guardian of the possible occurrence of a concussion shall also report such incident to the nurse supervisor, or designee.
2. The nurse supervisor, or designee, shall follow-up on the incident with the student and/or the student's parent or guardian and maintain a record of all incidents of diagnosed concussions. Such record shall include, if know:
  - a. The nature and extent of the concussion; and
  - b. The circumstances in which the student sustained the concussion.
3. The nurse supervisor, or designee, shall annually provide such record to the State Board of Education.

#### Miscellaneous

1. For purposes of these administrative regulations, "licensed health care professional" means a physician licensed pursuant to Chapter 370 of the Connecticut General Statutes, a physician assistant licensed pursuant to Chapter 370 of the Connecticut General Statutes, an advanced practice registered nurse licensed pursuant to Chapter 378 of the Connecticut General Statutes, or an athletic trainer licensed pursuant to Chapter 375a of the Connecticut General Statutes.

2. Should a coach fail to adhere to the requirements of these administrative regulations, the coach may be subject to discipline up to and including termination, as well as permit revocation by the State Board of Education.

Legal References:

Conn. Gen. Stat. § 10-149b. Training courses for coaches re concussions and head injuries.

Conn. Gen. Stat. § 10-149c. Student athletes and concussions. Removal from athletic activities.

Public Act 14-66, "An Act Concerning Youth Athletics And Concussions"

ADOPTED: December 8, 2015

1629398v7  
9/3/15

## **SUDDEN CARDIAC ARREST AWARENESS FOR INTRAMURAL AND INTERSCHOLASTIC ATHLETICS POLICY**

Prior to each season of any Board of Education intramural or interscholastic athletics, each coach who holds or is issued a coaching permit by the State Board of Education and is a coach of any Board of Education intramural or interscholastic athletics, must provide each participating student's parent or legal guardian with a copy of the informed consent form regarding sudden cardiac arrest developed by the State Board of Education and obtain such parent's or legal guardian's signature, attesting to the fact that that such parent or legal guardian had received a copy of such form and authorizes the student to participate in the intramural or interscholastic athletics.

Any person who holds or is issued a coaching permit by the State Board of Education and is a coach of Board of Education intramural or interscholastic athletics shall annually review the sudden cardiac arrest awareness education program developed or approved by the State Board of Education prior to commencing the coaching assignment for the season of such intramural or interscholastic athletics.

Nothing in this policy shall be construed to relieve a coach of intramural or interscholastic athletics of his or her duties or obligations under any provision of the general statutes, the regulations of Connecticut state agencies or a collective bargaining agreement.

### **Legal References**

Conn. Gen. Stat. § 10-149f. Sudden cardiac arrest awareness education program. Consent form.

Conn. Gen. Stat. § 10-149g. Coaches to annually review cardiac arrest education program. Revocation of coaching permit. Immunity from suit and liability.

ADOPTED:

August 9, 2016

4539468v1

## SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE (PERSONNEL) POLICY

It is the policy of the board of education to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex which has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

### Discrimination

Sex discrimination is defined as when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual's sex. Sex discrimination is also defined as when a person, because of his or her sex, is denied participation in, or the benefits of, a program that receives federal financial assistance.

### Harassment

Sexual harassment is a form of sex discrimination. While it is difficult to define sexual harassment precisely, it does include any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;

4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Any infraction of this policy by supervisors or co-workers should be reported immediately to the Title IX Coordinator, the Superintendent, or his/her designee in accordance with the district's sex discrimination and sexual harassment grievance procedure. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this policy and illegal under state and federal law. Violations of this policy will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

#### Legal References:

United States Constitution, Amendment XIV  
Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).  
Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.  
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.  
Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.  
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)  
Constitution of the State of Connecticut, Article I, Section 20  
Connecticut General Statutes § 46a-60 Discriminatory employment practices prohibited.  
Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207

8/1/16

ADOPTED: December 13, 2016

238835v10

**COMPLAINT FORM REGARDING SEX DISCRIMINATION  
AND SEXUAL HARASSMENT (PERSONNEL)**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the discrimination/harassment \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged discrimination or  
Harassment \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE (PERSONNEL) REGULATION

### Colchester Board of Education

### Sex Discrimination and Sexual Harassment Complaint Procedure

#### Complaint Procedure

It is the express policy of the Board of Education to encourage victims of sexual discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints. Any employee who feels that he/she has been sexually harassed or otherwise discriminated against on the basis of sex should submit any such complaint to the Title IX Coordinator. If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so.

Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible and reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination or sexual harassment will result in disciplinary action against the retaliator.

The school district will provide staff development for new district administrators and will publish its policy and grievance procedures to staff and employees in an effort to maintain an environment free of sex discrimination and sexual harassment.

Any employee who believes that he or she has been discriminated against or sexually harassed in the workplace in violation of this policy may also file a complaint with the Eastern Region Office of the Connecticut Commission on Human Rights and Opportunities, 100 Broadway, Norwich, CT 06360, PHONE: (860) 886-5703, FAX: (860) 886-2550, TDD: (860) 886-5707, and/or the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER 800-669-4000). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged discrimination/harassment occurred. Remedies for sex discrimination and sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

#### Title IX Coordinator

The Title IX Coordinator for the Colchester Board of Education is: Dr. Kelly McNamara, whose office is located at 215 Halls Hill Road, Colchester and whose telephone number is 860-537-9421.

238835v10

**[To be posted in a conspicuous place readily available for viewing by employees]**

**SEXUAL HARASSMENT IS ILLEGAL**

**AND IS PROHIBITED**

**BY**

**THE CONNECTICUT DISCRIMINATORY EMPLOYMENT PRACTICES ACT**

**(Section 46a-60 of the Connecticut General Statutes)**

**AND**

**TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

**(42 United States Code Section 2000e et seq.)**

SEXUAL HARASSMENT MEANS ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:

1. SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;
2. SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR
3. SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT.

**Examples of SEXUAL HARASSMENT include:**

UNWELCOME SEXUAL ADVANCES

SUGGESTIVE OR LEWD REMARKS

UNWANTED HUGS, TOUCHES, KISSES

REQUESTS FOR SEXUAL FAVORS

DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS.

**Remedies for sexual harassment may include:**

CEASE AND DESIST ORDERS

BACK PAY

COMPENSATORY DAMAGES

HIRING, PROMOTION, OR REINSTATEMENT

RETALIATION AGAINST ANY EMPLOYEE FOR COMPLAINING ABOUT SEXUAL HARASSMENT IS PROHIBITED UNDER THIS POLICY AND ILLEGAL.

VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINE, INCLUDING DISCHARGE.

INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.

AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO **DR. KELLY MCNAMARA, TITLE IX COORDINATOR, OR SUPERINTENDENT JEFFRY MATHIEU IF THE TITLE IX COORDINATOR IS THE SUBJECT OF THE COMPLAINT.** CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.

ANY EMPLOYEE WHO BELIEVES THAT HE OR SHE HAS BEEN HARASSED OR DISCRIMINATED AGAINST IN THE WORKPLACE IN VIOLATION OF THIS POLICY MAY ALSO CONTACT:

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

EASTERN REGION OFFICE

100 BROADWAY, NORWICH, CT 06360

PHONE (860) 886-5703

AND/ OR:

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

BOSTON AREA OFFICE

JOHN F. KENNEDY FEDERAL BUILDING

475 GOVERNMENT CENTER

BOSTON, MA 02203

PHONE (800) 669-4000

CONNECTICUT LAW REQUIRES THAT A FORMAL WRITTEN COMPLAINT BE FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES WITHIN ONE HUNDRED AND EIGHTY (180) DAYS OF THE DATE WHEN THE ALLEGED HARASSMENT/ DISCRIMINATION OCCURRED.

8/1/16

## USE AND DISCLOSURE OF CRIMINAL JUSTICE INFORMATION ADMINISTRATIVE REGULATIONS

Each applicant for a position with the District shall be required to submit to state and national criminal record checks in accordance with the District's Employment Checks Policy and applicable law. In addition, certain volunteers may also be required to submit to state and national criminal record checks in accordance with the District's Volunteers Policy. All results and accompanying information shall be considered "Criminal Justice Information" or "CJI" (each as more fully defined herein) and shall be maintained, used and disclosed in accordance with these regulations.

### A. Definition and Scope

For purposes of these regulations:

*"Criminal Justice Information" or "CJI"* means the results of any state or federal criminal records check of an employee, contractor or volunteer, any applicant or prospective employee, contractor or volunteer, and all copies thereof.

*"Criminal Justice Information Officer" or "CJI Officer"* means the individual appointed by the Superintendent to be responsible for the use, disclosure and safeguarding of CJI in the District, and to serve as the District's primary point of contact for matters relating to CJI and these regulations.

*"Permitted Individual"* means an individual designated by the Superintendent, or his or her designee, who may access CJI. Permitted Individuals may include, but shall not be limited to, District human resources personnel, certain administrators and certain administrative staff.

These regulations apply to all CJI in the possession or control of the District, in any form or format, including but not limited to CJI incorporated or contained in correspondence, documentation or reports of the District.

### B. Responsibility

The Superintendent shall appoint the Human Resources Coordinator as the District's CJI Officer.

### C. Requesting Criminal Justice Information

The District shall request CJI from an employee, contractor, applicant or volunteer or potential employee, contractor or volunteer only as permitted or required by law or District policy.

D. Use of Criminal Justice Information

1) The Superintendent, or his/her designee, shall designate those individuals who shall be considered Permitted Individuals for purposes of these regulations. No other District employee or staff person may access or use CJI for any reason without obtaining prior written approval from the CJI Officer or his/her designee. A Permitted Individual shall use CJI only as permitted or required by District policy or law.

2) The District shall ensure that each Permitted Individual satisfies the applicable legal screening requirements prior to granting the Permitted Individual access to CJI, including:

- If the Permitted Individual is a resident of Connecticut, the District shall screen the Permitted Individual through a Connecticut and national fingerprint-based record check within 30 days of designation as a Permitted Individual; or
- If the Permitted Individual is not a resident of Connecticut, the District shall conduct state and national fingerprint-based record checks and follow FBI guidance regarding additional screening requirements.

The CJI Officer may consult with the Connecticut Department of Emergency Services and Public Protection on execution of the screening requirements.

3) The District may immediately terminate a Permitted Individual's access to CJI, with or without cause at the discretion of the Superintendent, CJI Officer, or their designees, and the District shall immediately terminate a Permitted Individual's access to CJI upon termination of the Permitted Individual's employment or contract with the District. The District shall reconsider a Permitted Individual's continued access to CJI upon any reassignment or modification to professional responsibilities.

E. Maintenance and Safeguarding

1) CJI shall be maintained in only the physically-secure locations, files and information systems designated by the District (the "Controlled Areas"). The Controlled Areas shall be limited to only Permitted Individuals or other authorized personnel and locked when unattended.

2) The District shall restrict access to CJI to only Permitted Individuals. In the event the District determines that it is unable to reasonably restrict access in accordance with this Section, all CJI shall be maintained in encrypted format, in a manner consistent with then-current legal requirements and industry standards.

3) No District employee may remove CJI from a Controlled Area without prior written approval of the CJI Officer. In the event the transport of CJI out of a Controlled Area is

necessary for a legitimate function or activity, the CJI Officer shall develop a protocol to ensure the protection the CJI while in transport and while outside of the Controlled Area.

4) The District shall implement the following safeguards for CJI maintained in paper format: (i) maintain paper records in a physically secure location; (ii) post notice of restricted access to paper records; and (iii) utilize an access log or sign-in sheet to record access to paper records.

5) The District shall implement safeguards required by the Criminal Justice Information Services (CJIS) Security Policy for CJI maintained in electronic format, including, but not limited to, the following procedures: (i) maintain CJI on secure electronic systems and media; (ii) position information systems in such a way as to prevent unauthorized individuals from accessing and viewing CJI; (iii) store electronic media containing CJI in a secure location; (iv) instituting access controls to limit access to Permitted Individual; (v) validate and authenticate information system users accessing CJI; (vi) develop protocols for configuration management and providing necessary access for system modifications and maintenance; (vii) provide the capability to detect and protect against threats to the integrity of CJI; (viii) develop parameters (including time stamps) for auditing electronic systems containing CJI; and (ix) institute media protection policies and procedures.

6) The District shall not allow personally-owned information systems, such as flash drives, DVDs, CDs, tablets, mobile devices, laptops, or air cards to access, process, store, or transmit CJI.

7) The District shall not allow remote access to CJI.

F. Disclosure of Criminal Justice Information

1) Permitted Individuals may disclose CJI as follows:

(i) to District employees or staff upon prior written approval of the Superintendent, CJI Officer or their designees when, in their reasonable discretion, such disclosure is reasonably necessary for the performance of District function or policy and is consistent with applicable law;

(ii) to third-party individuals or entities, including but not limited to advisors, attorneys and electronic and hard copy record and storage companies (each a "Recipient") when such disclosure has been approved by the Superintendent, CJI Officer or their designees, and is consistent with applicable law; and

(iii) as required or otherwise permitted by law.

2) The District shall log each instance in which CJI is disclosed pursuant to these regulations.

G. Security Incident Response.

- 1) For purposes of these regulations, "Security Incident" means the actual or suspected acquisition, access, use, or disclosure of CJI in a manner not permitted by these regulations or applicable law.
- 2) District employees and staff must immediately report a Security Incident to the CJI Officer.
- 3) The CJI Officer shall investigate, collect relevant evidence and respond to all Security Incidents.
- 4) The CJI Officer will document each Security Incident, including, but not limited to, the details of the Security Incident, the District's response, the outcome, steps taken to mitigate harm to affected individuals, and any changes to District policies or security procedures to avoid reoccurrence of the Security Incident.
- 5) The District shall require in writing any Recipients to report to the District any Security Incidents without unreasonable delay after discovery of a Security Incident. The Recipient's notice to the District shall include: (a) the identification of each individual whose CJI has been, or is reasonably believed by the Recipient to have been, accessed, acquired, or disclosed during the Security Incident; and (b) other available information that the District reasonably requests with respect to its investigation or that the District is required to include in notifications to affected individuals or governmental agencies. The Recipient shall promptly update its original notice to the District as additional information becomes available.
- 6) The District shall notify affected individuals and/or appropriate government agencies to the extent required by law or as otherwise determined appropriate by the District in its reasonable discretion.

H. Auditing

- 1) The District shall implement audit and accountability controls to increase the probability of Permitted Individuals conforming to the requirements of these regulations and applicable law. At a minimum, the auditing and accountability controls shall generate sufficient information to establish, with respect to the access, use or dissemination of CJI, what events occurred, the sources of the events and the outcome of the events.
- 2) The CJI Officer shall review audit reports at least weekly. Audit reports that indicate potential inappropriate activity shall be investigated as a Security Incident in accordance with these regulations.
- 3) Annually, the District shall review Permitted Individual's accounts to ensure that access and account privileges are commensurate with job functions, need-to-know, and employment status.

I. Record Retention

- 1) The District shall maintain CJI consistent with current record retention laws. Records containing CJI shall be stored for extended periods only when they are key elements for the integrity and/or utility of case files and/or criminal record files.
- 2) The District shall maintain audit records and any transaction logs for at least one year.
- 3) The District shall destroy all records containing CJI when the District is no longer required to keep CJI on file.

J. Disposal and Destruction of CJI

- 1) For paper records containing CJI, destroyed means the records shall be disposed of in a manner that makes the CJI unreadable, indecipherable, and otherwise unable to be reconstructed, including but not limited to shredding or incinerating the records.
- 2) For electronic media containing CJI, destroyed means the records shall be disposed of or wiped of CJI using one of the following methods: (a) sanitize (electronically overwrite the media with non-sensitive data at least three times), (b) purging (degaussing or exposing the media to a strong magnetic field in order to disrupt the recorded magnetic domains), or (c) for inoperable media, destroying the media (disintegration, pulverization, melting, incinerating, or shredding). In each instance, the method used shall render the CJI unreadable, indecipherable, and otherwise unable to be reconstructed.
- 3) The destruction of media pursuant to this Section shall be witnessed or carried out only by authorized personnel.
- 4.) The District shall document the destruction of media pursuant to this Section and the method by which the media was destroyed.

K. Training

- 1) The District shall provide awareness training and education on these regulations and the use, disclosure and safeguarding of CJI to all District employees and staff persons with access to CJI, in accordance with then-current District training and education policies and procedures, provided that such training shall be provided within six (6) months of initial engagement and no less than biennially thereafter. The District shall document the provision of all training and education provided hereunder.
- 2) The training shall address those topics required by then-current law or regulatory guidance.

L. Sanctions

Violations of these regulations shall be investigated by the District and may result in discipline or sanctions, up to and including termination of employment, all in accordance with then-current District policies and procedures and applicable collective bargaining rights and obligations.

Legal References:

Conn. Gen. Stat. 10-221d

28 CFR § 20.1 *et seq.*

Criminal Justice Information Services (CJIS) Security Policy, Version 5.4, United States Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, October 6, 2015.

ADOPTED: March 21, 2017

4901267v7

## **Personnel -- Non-Certified**

### **Recruitment and Selection**

It is the responsibility of the Superintendent of Schools and of persons designated by the Superintendent to determine the personnel needs of the school district and to locate suitable candidates to recommend for employment to the Board of Education. An estimate of the cost of the recruitment and selection program will be made annually by the Superintendent and presented to the Board of Education for inclusion in the annual budget.

No inquiry in regard to an employee's race, color, religious creed, sex, sexual orientation or national origin shall be made of a person proposed for or seeking employment.

Prior to initial employment, a physician shall certify to the Superintendent of Schools that said employee is in good health and in fit condition for service. It shall be the duty of the Superintendent of Schools to see that persons nominated for employment shall meet all qualifications established by law and by the Board of Education for the type of position for which nomination is made.

(cf. 4111.1 - Affirmative Action).

Legal Reference: Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

Title VII, Civil Rights Act, 42 U.S.C. 2000e et seq.

PA 91-58 An Act Concerning Discrimination on the Basis of Sexual Orientation.

Policy adopted:

January 8, 2002

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## **Personnel – Certified/Non-Certified**

### **Affirmative Action: Recruitment and Selection**

The Board of Education will provide equal employment opportunities for all persons without regard to race, color, religious creed, age, marital status, national origin, sex, sexual orientation or physical disability. The Board of Education directs the administration to set as a goal the recruitment, selection and employment of qualified people among racial and ethnic minority groups to the end that the school district's employees will proportionately mirror the racial and ethnic composition of this community.

The Board of Education requests an annual report from the Superintendent of Schools concerning the extent to which the above-mentioned affirmative action program goals are being achieved.

No advertisement of employment opportunities may by intent or design restrict employment based upon discrimination as defined by law.

Legal Reference:      Connecticut General Statutes  
                             10-153 Discrimination on account of marital status.  
                             46a-60 Discrimination employment practices prohibited.  
                             Title VII, Civil Rights Act 42 U.S.C. 2000e, et seq.  
                             PA 91-58 An Act Concerning Discrimination on the Basis of Sexual  
                             Orientation.  
                             Equal Pay Act of 1963, 29 U.S.C. 206(d).

# Colchester Public Schools

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4211.2

## PERSONNEL

### VACANCIES

All vacancies shall be posted on the district website ([www.colchesterct.org](http://www.colchesterct.org)). Until all candidates are screened, the Superintendent may utilize substitute personnel on an as-needed basis.

Legal Reference: Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited

Title VII, Civil Rights Act as amended by Title IX, Equal Employment Opportunity Act

Policy adopted: January 8, 2002

Policy revised: May 12, 2009

Policy revised: December 8, 2020

COLCHESTER PUBLIC SCHOOLS

Colchester, Connecticut

## **Personnel -- Certified/Non-Certified**

### **Minority Recruitment Plan**

The Colchester Board of Education recognizes that the increasing diversity of individuals and cultures is a growing characteristic of our state and nation which should have a significant bearing on the activities of the school district. Further, the State of Connecticut has determined that the educational interests of the state require efforts by each school district to provide educational opportunities for its students to interact with staff from other racial, ethnic and economic backgrounds in order to reduce racial, ethnic and economic isolation.

To this end, the Board of Education believes that the importance of diversity of individuals and cultures should be recognized in the recruitment of personnel in order to help promote an intellectually and culturally dynamic environment that enables all students to gain an increased awareness and appreciation of the diverse world in which all are connected.

Consistent with the Board's policies on Affirmative Action (4111.1) and Nondiscrimination (4118.11), and its rigorous standards for the hiring of all staff, our plan for minority staff recruitment shall require an effort to attract talented minority educators and other minority personnel to serve in available positions within the District.

Legal Reference:       Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of contract.

10-153 Discrimination on account of marital status.

10-220 Duties of Boards of Education. (as amended by PA 98-252)

10-226h Programs and methods to reduce racial, ethnic and economic isolation. (as amended by P.A. 11-179)

46a-60 Discriminatory employment practices prohibited.

## **Personnel-Certified and Classified**

### **Health Examination**

All employees are encouraged to keep themselves healthy so that they will be able to perform their duties effectively.

The Superintendent may require an independent medical examination of any employee by a physician selected by the Board, under the following conditions, subject to the limitations set forth, if any, in the applicable bargaining unit agreement:

- a) whenever the Superintendent has grounds to believe that the performance of the employee is adversely affected by illness of any kind;
- b) whenever the Superintendent has grounds to believe that the health/safety of students or other employees may be at risk due to the illness of an employee;
- c) whenever the Superintendent has grounds to believe the employee may have abused sick leave or other leave policies;
- d) as a condition of approval for a medically-related leave of absence such as sick leave, maternity leave, FMLA, or worker's compensation leave;
- e) as a condition of approval for continuation or extension of such leave;
- f) as a condition of approval for return to duty from such leave.

## **Personnel -- Non-Certified**

### **Drug and Alcohol Testing For School Bus Drivers**

The Colchester Public School district is committed to the establishment of a drug and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991. The District shall adhere to federal law and regulations requiring a school bus driver's drug and alcohol testing program.

The Superintendent or his/her designee shall implement this program beginning January 1, 1996.

Contracts for transportation approved by this District shall contain assurance that the contractor will establish a drug and alcohol testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements.

Legal Reference:      United States Code, Title 49  
                              2717 Alcohol and controlled substances testing (Omnibus Transportation  
                              Employee Testing Act of 1991)  
                              Code of Federal Regulations, Title 49  
                              40 Procedures for Transportation Workplace Drug and Alcohol Testing  
                              Programs  
                              382 Controlled Substance and Alcohol Use and Testing  
                              395 Hours of Service Drivers  
                              *Holiday v. City of Modesto* (1991) 229 Cal. App. 3d. 528, 540.  
                              *International Brotherhood of Teamsters v. Department of Transportation*  
                              932 F. 2d 1292 (1991)  
                              *American Trucking Association, Inc. v. Federal Highway Administration*,  
                              (1995) WL 136022 (4th circuit)  
                              Connecticut General Statutes  
                              PA 95-140 An Act Authorizing Drug Testing of Drivers of Certain  
                              Commercial Motor Vehicles.

Policy adopted:      January 8, 2002

COLCHESTER PUBLIC SCHOOLS  
 Colchester, Connecticut

# Colchester Public Schools

4213P

## PERSONNEL - NON-CERTIFIED

### ASSIGNMENT

Non-certified personnel will be assigned by the Superintendent or designee, primarily by employing a person for a specific position. Employees shall possess any required license or certificate prior to commencing work.

Policy adopted: January 8, 2002  
Policy revised: February 9, 2021

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COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## **Personnel -- Non-Certified**

### **Transfer/Reassignment**

Except as otherwise provided in employee agreements with the appropriate bargaining unit, the Superintendent shall have full authority to transfer or reassign personnel according to the needs of the school system within the policies of the Board of Education. Employees shall not be reduced in salary through any such transfer or reassignment except for cause, which may include the elimination of a position. Employees shall not be reassigned to positions for which they do not hold necessary certification or licensing.

Legal Reference:      Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited

Policy adopted:      January 8, 2002

**COLCHESTER PUBLIC SCHOOLS**  
Colchester, Connecticut

## PERSONNEL - NON-CERTIFIED

### EVALUATION/SUPERVISION

The Board of Education endorses a continuous process of evaluation of all employees of the school district.

It is also the intention of the Board of Education that all employees receive supervision to ensure that all aspects of their job assignments are properly and competently performed.

Policy adopted: January 8, 2002  
Policy revised: January 12, 2021

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

## **Mission/Goals/Objectives**

### **Civility/Respectful Communications and Actions**

#### **Purpose**

The Colchester Board of Education promotes civility and respectful communications among district employees, students, parents and the public. In the interest of presenting all adults as positive role models for students, the Colchester Board of Education encourages positive communication and discourages harassing, defamatory, obscene, abusive, discriminatory or threatening communication or actions, some of which may be against the law.

The intent of this policy is to maintain a civil, respectful workplace for teachers, students, administrators, staff, parents and other members of the school community.

The following describes expected standards for staff, students, parents and members of the public while at school, on school property or at a school function.

#### **Standards for Communications**

The Board expects staff, students, parents and members of the public while at school, on school property or at a school function to communicate and act in a manner that promotes respect for the dignity and worth of all individuals, regardless of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, socio-economic status, or role within the school community. All adults participating in the school community are expected to communicate and act in a manner that consistently provides positive role models for students. The Board will regulate communications and actions by staff, students, parents and members of the public while at school, on school property or at a school function, when such communications or actions are contrary to these fundamental principles.

Specifically, the Board will regulate disruptive communications and/or actions by members of the school community that:

- 1) interfere, disrupt or undermine the effective operation of the school district;
- 2) are used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications;
- 3) create a hostile work environment;
- 4) breach confidentiality obligations of school district employees; or
- 5) violate the law, board policies and/or other school rules and regulation.

## **Mission/Goals/Objectives**

### **Civility/Respectful Communications and Actions - continued**

#### **Examples of Disruptive Communications/Actions**

Disruptive Communications/Actions include, but are not limited to:

- Using loud and/or offensive language (for example, swearing or display of temper).
- Invading another person's space by moving close to the individual in an aggressive manner.
- Threatening to do physical harm to a teacher, school administrator, school employee, student or member of the community.
- Damaging, destroying or threatening to destroy or damage school property.
- Harassing, defamatory, obscene, abusive, discriminatory or threatening verbal, written or electronic communications.
- Any other behavior which disrupts the orderly operation of the school, a school activity, or any other activity sponsored by the school district.

#### **Student, Parent, Member of the Public Resources**

Any employee, parent, or member of the public who believes he/she was subject to disruptive communications and/or actions on the part of a staff member should bring such behavior to the attention of the building principal and/or the Superintendent's office.

#### **Disciplinary Consequences**

Employees found to be in violation of this policy may be subject to disciplinary action. Students found to be in violation of this policy may be subject to disciplinary action in accordance with the Board's policy concerning Student Discipline.

Parents or other members of the school community found to be in violation of this policy may be directed to leave school property, a school building, or any activity sponsored by the school district. Repeat violations may result in a long-term denial of access to school property, school buildings, or activities sponsored by the school district.

**4218.3P**

## **PERSONNEL - NON-CERTIFIED**

### **DUTIES**

The duties and responsibilities of the members of the non-certified service shall be as fixed and prescribed in the job description as approved for each class by the Board of Education.

Job descriptions will be maintained and be made available in a separate manual.

Policy adopted: January 8, 2002  
Policy revised: January 12, 2021

COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut

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## PERSONNEL

### SURVEILLANCE ON SCHOOL PROPERTY

The Board of Education recognizes the district's responsibility to maintain order and discipline on school property. The Board also desires to afford students and staff privacy in respect to the records maintained by the district. The Board recognizes the value of electronic surveillance systems in monitoring activity on school property in furtherance of protecting the health, welfare and safety of its students and staff. The students and staff of the district recognize that their security and safety depends upon the capacity of the district to maintain discipline and that a certain amount of restraint upon the activities of students is assumed and expected. The Board of Education having carefully weighed and balanced the rights of privacy of students and staff against the district's duty to maintain order and discipline, retains the right to provide for the use of video camera surveillance on school grounds as follows:

1. The district shall notify its students and staff that video surveillance may occur on any school property. The district shall incorporate said notice in the student handbook.
2. The use of video surveillance equipment on school grounds and on other District property shall be supervised and controlled by the building administrator or other responsible administrator.
3. The use of video recordings from surveillance equipment shall be subject to the other policies of the district including policies concerning the confidentiality of student and personnel records.
4. Video surveillance shall only be used to promote the order, safety and security of students, staff and property.

Legal Reference: Connecticut General Statutes

10-221 Boards of Education to prescribe rules

Education of the Handicapped Act of 1975, as amended

Individuals with Disabilities Education Act

Family Education Rights and Privacy Act

Policy Adopted: April 17, 2012

Revised: July 14, 2020

Revised: March 9, 2021

COLCHESTER PUBLIC SCHOOLS

Colchester, Connecticut

## **Personnel / Students**

### **Surveillance on School Property**

The following rules shall apply to video surveillance:

1. The district shall notify its students, their parents/guardians and its staff that video surveillance may occur on any school property. The district shall incorporate said notice in the student handbook and District's Policy Handbook. Signs shall be posted at each building with video cameras.
2. The use of surveillance equipment on school property and on other district property shall be supervised and controlled by the building administrator/designee or district transportation coordinator, as applicable.
3. The use of recordings from surveillance equipment shall be subject to the other policies of the district including policies concerning the confidentiality of student and personnel records.
4. Surveillance shall be used only to promote the order, safety and security of students, staff and property and to assist school administrators in deciding upon appropriate disciplinary action.

### Student Records

1. The district will comply with laws regarding student records requirements including the Family Education and Privacy Act and the Education of All Handicapped Children Act of 1975 as applicable in the district's use of recordings. Recordings considered for retention, as part of the student's behavioral record will be maintained in accordance with established student record procedures governing their access, review and release.

### Staff Records

1. Video recordings considered for retention as part of the employee's personnel record will be maintained in accordance with established Board personnel policies, administrative regulations and labor agreements governing access, review and release of employee personnel records.

## **Personnel / Students**

### **Surveillance on School Property**

#### Storage Security

1. All recordings will be stored and secured in accordance with established Board record retention policies.
2. Recording will be stored for not more than sixty days after initial recording, whereupon such recordings will be released for erasure.
3. Recordings held for review of student or staff incident will be maintained in their original form pending resolution. The tape will then be either released for erasure or retained as necessary as a part of the student's discipline record and or employee's personnel record in accordance with the established district procedures.

#### Viewing Requests

1. Requests for viewing video recordings will be limited to the appropriate vehicle driver, transportation coordinator, school administrator, parent/guardian or student 18 or older or others as deemed appropriate by the transportation coordinator or superintendent/designee. Requests for viewing will be limited to those parents/guardians, students and/or district officials with a direct interest in the proceedings deemed appropriate by the superintendent/designee. The district's School Resource Officer may also review the video at the request of a school administrator who requests assistance for determination of school policy violation and/or criminal behavior.
2. Requests for viewing may be made to the Director of Operations, principal, or superintendent designee.
3. Only the portion of the video recording concerning a specific incident(s) will be made available for viewing.

#### Viewing

1. Actual viewing will only be permitted at school related sites, including the transportation office, schools, and district office or as otherwise required by law.
2. All viewing will include the transportation coordinator and/or a school administrator.
3. Recordings remain the property of the district and may be reproduced only in accordance with law, including applicable district student records policy and procedures and applicable labor agreements.

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**Personnel / Students**

**Surveillance on School Property**

Legal Reference:        Connecticut General Statutes  
  
                              10-221 Boards of Education to prescribe rules  
  
                              Education of the Handicapped Act of 1975, as amended  
  
                              Individuals with Disabilities Education Act  
  
                              Family Education Rights and Privacy Act

## PERSONNEL

### SOCIAL NETWORKING/SOCIAL MEDIA

The Colchester Board of Education acknowledges that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern.

The Board expects all employees to learn to use and stay abreast of technological resources that will assist them in the performance of their job responsibilities.

Staff members shall utilize social network sites judiciously by not posting confidential information about students, staff, or District business. Communication via social networks with Colchester students will be appropriate and professional; communication with students in the school where staff members currently work must be related to school assignments or activities.

Ordinarily, the use of social media by employees, including employees' use of personal online accounts, will not be a legal or policy issue. While a policy cannot address every instance of inappropriate social media use, employees must refrain from social media use that:

- 1) interferes, disrupts or undermines the effective operation of the school district;
- 2) is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications;
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees; or
- 5) violates the law, board policies and/or other school rules and regulations.

School district employees are prohibited from engaging in any conduct on social networking sites that violates the law, Board Policies and/ or the Connecticut Code of Professional Responsibility for Educators, which applies to all staff and currently states:

*"The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professionalism. Therefore, the educator accepts both the public trust and the responsibilities to practice the profession according to the highest possible degree of ethical conduct and standards. Such responsibilities include the commitment to the students, the profession, the community, and the family."*

Social media include the posting of ideas, information, photos, opinions, or thoughts on a web site with the purpose of connecting with other people.

Legal References: U.S. Constitution, Amend.

Conn. Constitution, Article I, Sections 3, 4, 14

Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. § 31-51q

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Policy Adopted: September 13, 2011

Revised: February 9, 2021

COLCHESTER PUBLIC SCHOOLS

Colchester, Connecticut

## **Personnel-- Certified/Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Social Networking/ Social Media**

The Board will respond to the use of social media by employees, including employees' personal use of social media when such use:

1. interferes with the work of the school district;
2. is used to harass co-workers or other members of the school community;
3. creates a hostile work environment;
4. breaches confidentiality obligations of school district employees;
5. disrupts the work of the school district;
6. harms the goodwill and reputation of the school district in the community;
7. violates school rules and regulations or state and federal laws.

#### **Rules concerning personal social networking**

1. While the Board recognizes that employees are not always in control of others' posts (i.e., tagging photos), employees are required to maintain appropriate professional boundaries with students, parents/ guardians, and colleagues.
2. Employees are individually responsible for their personal posts on social media.
3. All posts on personal social media must comply with the Board of Education's policies concerning confidentiality, including the confidentiality of student information.
4. All Board of Education policies and state and federal laws that regulate off-duty conduct apply to social media activity, including policies related to public trust, illegal harassment, code of conduct, mandated reporting, and protecting confidential information.

#### **Guidelines concerning Social Media Activity sponsored by Colchester Public Schools**

If an employee uses a social media site for the purpose of instruction, communication of activities, games, or responsibilities for a school-based club, activity or official sports team, the employee must also comply with the following rules:

1. The employee must inform his/her supervisor prior to setting up the site.
2. The employee must set up the class, club, or team as a group list, which will be closed and moderated.
3. Parents/ guardians shall be permitted to access any site their child has been invited to join.
4. The employee responsible for the site will monitor it regularly.
5. Any violations of this policy shall be reported by staff to the supervisor.
6. The employee's supervisor shall be permitted access to any site established by the employee for a school-related purpose.

#### Disciplinary Consequences

Violation of this policy may lead to discipline up to and including the termination of employment consistent with state and federal law and union contracts.

## PERSONNEL

### NEPOTISM

It is the policy of the Board of Education that individuals shall not be appointed to any full-time, part-time or temporary position which would create a supervisor/employee relationship within any one department between two individuals who are related by blood, marriage, civil union, or law.

As used in this policy, the word "Department" shall mean and include those levels of organization under the Superintendent's office into which the various structural areas of operation of the school district are divided.

In the event of marriage or civil union between employees of the District, creating a relationship which violates this policy, one of the persons affected must transfer to a location compatible with policy provisions, or in cases of refusal to transfer, be terminated from that location by the end of the school/fiscal year or within six months from the date the relationship was established, whichever is the greater period.

The degrees of relationship included in the above restrictions are as follows:

By Blood: Parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin.

By Marriage: Husband, wife, stepparent, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, half-sister, half-brother, uncle, aunt, nephew, niece.

By Law: Guardianship relationships, adoptive parent/child relationships, partner in a civil union, same-sex marriage.

In the appointment and selection of new employees, the District shall adhere to this policy. All current supervisor/employee relationships established prior to the adoption of this policy will not be affected by this policy so long as they remain in present assignments.

A Board member shall not vote and shall recuse themselves on any action of the Board which will directly affect a member of the immediate family of the member.

Legal Reference: Connecticut General Statutes

7-479 Conflicts of Interest

46b-38nn Equality of benefits, protections and responsibilities (civil unions)

46b-38oo applicability of statutes to civil unions and parties to a civil union.

*United States v. Windsor*, U.S. 133 S. Ct. 2675 (2013)

Policy adopted: September 11, 2001

Policy revised: June 8, 2004

Policy Revised: January 12, 2021

COLCHESTER PUBLIC SCHOOLS

Colchester, Connecticut

## **Personnel – Certified/Noncertified**

### **Emergency/Personal Leave**

#### **I. Definitions**

**“Family violence”** means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault between family or household members. Verbal abuse or arguments generally will not constitute “family violence” unless there is a present danger and the likelihood that physical violence will occur.

**“Leave”** includes paid or unpaid leave which may include, but is not limited to, compensatory time, vacation time, personal days off or other time off.

#### **II. Leave for Family Violence Victims**

At times an employee may need to be absent from work due to family violence, and the length of time should be determined by the individual’s situation. The time period shall be determined through collaboration/cooperation/discussion with the employee.

The Board of Education shall allow family violence victims to take paid or unpaid leave (including compensatory time, vacation time, personal days, or other time off) during any calendar year in which the leave is reasonably necessary to:

1. seek medical care or psychological or other counseling for physical or psychological injury or disability,
2. obtain services from a victim services organization,
3. relocate due to the family violence, or
4. participate in any civil or criminal proceeding related to or resulting from such family violence.

Unpaid leave, for the reasons cited above, shall be limited to 12 days per calendar year. However, leave for any of the four reasons cited above, shall not be affected by any other leave provided under state or federal law.

In providing leave to family violence victims, the following guidelines are to be followed:

1. The employee seeking leave shall provide up to seven days notice to the District/Superintendent or his/her designee when the need to use leave is foreseeable and as soon as practicable when it is not.
2. The employee shall provide the District with a signed written statement certifying that the leave is for a purpose authorized under P.A. 10-144.
3. The District may request that the employee provide:
  - a. police or court record related to the family violence, or

## **Personnel – Certified/Noncertified**

### **Emergency/Personal Leave**

#### **Leave for Family Violence Victims - continued**

- b. signed written statement that the employee is a victim of family violence from the employee or an agent of a victim services organization, an attorney, an employee of the Judicial Branch's Office of Victim Services or the Office of the Victim Advocate, licensed medical professional, or other licensed professional from whom the employee has sought assistance with respect to the family violence.
4. The District/Superintendent or his/her designee shall keep any such written statement or police or court record confidential.
5. The District/Superintendent or his/her designee will not further disclose the information except as required by law or as necessary to protect the employee's safety in the workplace, but in these situations the employee must be given notice before the disclosure.
6. The District/Superintendent or his/her designee may provide, if it so chooses, more leave than required by P.A. 10-144.
7. The rights of the employee under the terms of the employee's employment or collective bargaining agreement, in effect on October 1, 2010, shall not be diminished or preempted.

In addition, in compliance with P.A. 10-144, the District is not required to provide paid leave if:

1. the employee is not entitled to paid leave pursuant to the terms and conditions of his or her employment, or
2. the paid leave exceeds the maximum amount of leave due the employee during any calendar year. However, the Act requires the employer to provide unpaid leave if paid leave is exhausted or not provided.

Legal Reference: Connecticut General Statutes

46b-15 Relief from physical abuse by family or household member or person in dating relationship. Application. Court orders. Duration. Copies. Expedited hearing for violation of order. Other remedies.

46b-38a Family violence prevention and response: Definitions

54-85b Employment protection for witnesses and victims of crime. Penalty. Action for damages and reinstatement.

P.A. 10-144 An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence.

Reduced schedule leave is leave that reduces the employee's usual number of work hours per day for some period of time. For example, an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

An employee may take full-time, intermittent or reduced schedule leave whenever it is medically necessary for a serious health condition of the eligible employee, his or her spouse, child or parent. Intermittent leave or reduced schedule leave for other reasons will be permitted only with the approval of the Superintendent or his/her designee.

If intermittent or reduced schedule leave is medically required, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the type of leave requested. Also, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period). For purposes of this policy, an instructional employee is defined as a teacher or other employee of the board who is employed principally in an instructional capacity and whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

(b) Both Spouses Working for the Same Employer

If both spouses are employees of the Board and request leave for the birth, placement of a child by adoption or for foster care, or to care for a seriously ill parent, they only will be entitled to a maximum combined total leave equal to twelve (12) weeks in any 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount he or she has taken individually and the 12 weeks for FMLA leave for their own or their spouse's serious health condition in the 12-month entitlement periods.

(c) Light Duty

**Should an employee be offered a light duty opportunity during a period of FMLA leave, time spent performing the light duty assignment will not count against the employee's FMLA leave entitlement. The employee's right to restoration to his or her job will be held in abeyance during the light duty assignment, or until the end of the applicable 12-month FMLA leave period.]**

(d) Leave Taken by Instructional Employees Near the End of an Academic Term

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 31-51rr

Regs. Conn. State Agencies 31-51rr-1, et seq.

United States Code:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110 233,  
42 USC 2000ff; 29 CFR 1635.1 et seq.

ADOPTED: December 9, 2008  
REVISED: March 28, 2016  
REVISED: April 10, 2018 (**replaces #4252.6**)

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If a leave taken by an instructional employee for any reason begins more than five (5) weeks before the end of an academic term, the Board may require that employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the employee would return to work during the three-week period before the end of the term.

If the employee begins a leave during the five-week period preceding the end of an academic term for a reason other than the employee's own serious health condition, the Board may require the employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the employee would return to work during the two-week period before the end of the term.

If the employee begins a leave during the three-week period preceding the end of an academic term for a reason other than the employee's own serious health condition, the Board may require the employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

### ***REQUESTS FOR LEAVE***

Requests for a family or medical leave must be submitted to the human resources department at least thirty (30) days before the leave is to commence, if possible. If thirty (30) days' notice is not possible, requests must be submitted as soon as practicable under the circumstances.

For leaves taken because of the employee's or a family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form before the leave begins if possible. This form may be obtained from the personnel department. If such advance certification is not possible, the medical certification must be provided by the employee within fifteen (15) calendar days of the Board's request for the medical certification.

If an employee takes leave to care for his or her own serious health condition, immediately upon return to work the employee must provide medical certification that the health condition which created the need for the leave no longer renders the employee unable to perform the functions of the job. This certification must be submitted to the human resources department.

In connection with the Board's request for medical information, employees must be aware that the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Board requests that employees not provide any genetic information when responding to a request for medical information. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

## ***USE OF PAID LEAVE***

Accrued paid personal leave and accrued paid vacation will be substituted (in that order) for any unpaid portions of family or medical leave taken for any reason. However, where the leave is for the employee's own serious health condition, accrued paid sick leave shall be substituted for unpaid portions of family or medical leave prior to the substitution of accrued paid personal and accrued paid vacation leave. The amount of unpaid family or medical leave entitlement is reduced by the amount of paid leave that is substituted.

In addition, in cases involving absences due to a Workers' Compensation injury that also qualifies as an FMLA serious health condition, and if the employee agrees with the Board to do so, the Board will apply the employee's available accrued paid leave in increments as a supplement to the Workers' Compensation weekly benefit in an appropriate amount so that the employee can maintain his or her regular weekly income level.

## ***MEDICAL INSURANCE AND OTHER BENEFITS***

During approved family or medical leaves of absence, the Board will continue to pay its portion of medical insurance premiums for the period of unpaid family or medical leave. The employee must continue to pay his/her share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after expiration of the leave, the employee will be required to reimburse the Board for payment of medical insurance premiums during the family or medical leave, unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

During an FMLA leave, an employee shall not accrue **[seniority, pension benefits, or sick or vacation leave]**, unless otherwise required by any applicable collective bargaining agreement or Board Policy. However, unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under Board's attendance policy.

## ***REINSTATEMENT***

Except for circumstances unrelated to the taking of a family or medical leave, an employee who returns to work following the expiration of a family or medical leave is entitled to return to the job held prior to the leave or to an equivalent position with equivalent pay and benefits.

## ***ADDITIONAL INFORMATION***

Questions regarding family or medical leave may be directed to the Superintendent or his/her designee. An employee may file a complaint with U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 31-51rr

Regs. Conn. State Agencies 31-51rr-1, et seq.

United States Code:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110 233,  
42 USC 2000ff; 29 CFR 1635.1 et seq.

ADOPTED: December 9, 2008  
REVISED: March 28, 2016  
REVISED: April 10, 2018 (**replaces #4252.6**)

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## FAMILY MEDICAL LEAVE ACT POLICY

The Board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) as amended and the Family Medical Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances) and 2013 Final Rules. Eligible employees (employment for at least one-year and at least 1,250 hours actually worked in the twelve-month period immediately preceding the commencement of the leave) are entitled to up to 12 work weeks of unpaid family and medical leave in any 12-month period. The District will continue to pay the district's share of the employee's health benefits during the leave. In addition, the District will restore the employee to the same or an equivalent position with equivalent benefits, pay and other conditions of employment after the termination of the leave in accordance with Board policy and collective bargaining agreements.

Paraprofessionals are also eligible to benefits equal to those under the federal FMLA if such paraprofessional was employed for at least one year and for at least 950 hours over the previous twelve-month period preceding the commencement of the leave. A paraprofessional is defined as a school employee who performs duties that are instructional in nature or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services.

Eligible employees are entitled to take unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" as defined by Department of Labor regulations arising out of a covered family member's covered active duty or Federal call to covered active duty (including as a member of the National Guard or Reserves) in the Armed Forces including deployment to a foreign country or to international waters;
- To care for a covered family member who has incurred a serious injury or illness in the line of duty while on covered active duty in the Armed Forces (includes National Guard and Reserves) provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating: and/or
- To care for a covered family member who is a veteran who is undergoing medical treatment, recuperation or therapy for a service related illness or injury that was incurred or aggravated while on active duty and manifested itself before or after the member became a veteran, within five years after a veteran leaves service.

- To care for a parent of a military member called to active duty provided the military member is the spouse, (including same-sex marriages\*), parent or child of the employee.

When leave is due to a “qualifying exigency” of a service member, an eligible employee may take up to 12 work weeks of leave during any 12-month period. When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. Employees will not be deprived of any employment benefits accrued before taking FMLA leave.

The District will maintain health insurance benefits at the same basis as is provided to other similarly situated employees. Conversely, employees on FMLA leave are not entitled to accrue any seniority or benefits during the leave unless determined otherwise due to a collective bargaining agreement. When an employee returns from FMLA leave, benefits will be resumed in the same manner as provided prior to taking the leave, subject to any changes in benefit levels that may have occurred during the FMLA leave period and which affect the entire workforce. Leave available for eligible employees under FMLA is not intended to supplement leave otherwise provided to such employees. The District may require the eligible employee substitute any accrued vacation or sick leave for any part of the twelve-week period that may be taken for the serious health condition of a spouse, child or parent, or for the employee’s own serious health condition.

In complying with the FMLA, the District will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

The Board, in compliance with state statute, shall provide to its employees who are a party to a civil union with the same family and medical leave benefits under the federal Family Medical Leave Act (FMLA) as are provided to employees who are party to a marriage. The term “marriage” includes a same-sex marriage which all states must now recognize, or common law marriages that either was entered into in Connecticut or another state that recognizes such marriages or if entered into out of Connecticut is valid in the place where entered into and could have been entered into in at least one state. In addition, the Board shall allow its employees leave time under this policy to serve as organ or bone marrow donors.

The District, in compliance with FMLA’s regulations, will post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the provisions of the FMLA and providing information concerning the procedures for filing complaints of violations of the Act. Electronic posting may be utilized.

(cf. 4118.14 - Disabilities)

(cf. 4151.2 - Family Illness)

(cf. 4152.3 - Maternity; Adoptive; Child Care)

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave

rights.

Legal Reference: P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993, as amended by H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, Section 585. 29 U.S.C. §2601 et seq. and the National Defense Authorization act for Fiscal Year 2010, Public Law 111-84, section 565, Title V

Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995, March 30, 1995, and on November 17, 2008. Rules and Regulations (29 CFR Part 825).

Final Rule – published in Federal Register, Vol. 78, Wed. February 6, 2013

Final Rule – published in Federal Register, Vol. 80, No. 37 Wednesday, February 25, 2015

#### Connecticut General Statutes

46b-380o Applicability of statutes to civil unions and parties to a civil union.

PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees.

PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees

PA 12-43 An Act Concerning Family and Medical Leave Benefits for Certain Municipal Employees

*United States v. Windsor*, U.S. 133 S. Ct. 2675 (2013)

*Obergefell v. Hodges*, No. 14-556, 135 S. Ct. 2584 (2015)

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COLCHESTER PUBLIC SCHOOLS  
Colchester, Connecticut